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FRATERNIZATION IN THE  
UNITED STATES AIR FORCE:  
DEVELOPMENT OF A POLICY BOOKLET

THESIS

Richard T. Devereaux  
Captain, USAF

AFIT/GSM/LSR/88S-5

DEPARTMENT OF THE AIR FORCE  
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**AIR FORCE INSTITUTE OF TECHNOLOGY**

Wright-Patterson Air Force Base, Ohio

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**AFIT/GSM/LSR/88S-5**

**FRATERNIZATION IN THE UNITED STATES AIR FORCE:  
DEVELOPMENT OF A POLICY BOOKLET**

**THESIS**

**Presented to the Faculty of the School of Systems and Logistics  
of the Air Force Institute of Technology**

**Air University**

**In Partial Fulfillment of the  
Requirements for the Degree of  
Master of Science in Systems Management**

**Richard T. Devereaux, B.S.**

**Captain, USAF**

**September 1988**

**Approved for public release; distribution unlimited**



## Preface

Initial research suggested there was some confusion and a general lack of knowledge about fraternization policy throughout the Air Force. Therefore, this study sought to develop a "fraternization policy booklet" for use by commanders, JAGs, and other Air Force members. It's hoped that the booklet, an appendix to this thesis, will help clarify the issues and improve awareness of this sensitive issue.

To answer the question, "What is the policy?," over 100 sources were examined and consulted, including regulations, policy letters, journal articles, court cases, civil law opinions, training materials, and policy experts. Although the research led to many gray areas where policy was undefined or open to interpretation, I was able to "nail down" specific guidelines in many areas. Initial review of the policy booklet by several commanders, JAGs, and Air Staff officers was promising. If all goes well the booklet will be published by Air University in the Fall of 1988.

My research would not have been successful without the help of others. I extend a warm thanks to my thesis advisor, Capt Carl Davis, whose guidance, encouragement, and high expectations helped me learn and enjoy the research process. In addition, I'd like to thank the Wright-Patterson AFB legal staff for their patient assistance in helping me locate and interpret the legal opinions critical to the research. Finally, I thank my wife, Elizabeth, and three children, Angela, Keith, and Danny, for their infinite patience, sacrifice, and understanding during this hectic year. Their love and encouragement made all the difference.

Richard T. Devereaux



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Abstract

The purpose of this study was to analyze and elucidate the Air Force's policy towards fraternization, an inappropriate social relationship between service members of different grades. The research effort had two major objectives: (1) Determine the Air Force policy towards fraternization through an examination of regulations, policy documents, legal sources, and training materials. (2) Produce a "fraternization policy booklet" that could be used by commanders, JAGs, and other Air Force members to better understand the rules and issues which govern off-duty social relationships.

The study found that there is a definable Air Force policy against certain forms of fraternization based on regulation, court opinion, and other official policy sources. Many specific behaviors and associations are prohibited, especially intimate relationships between officers and enlisted persons assigned to the same unit, and between supervisors and their direct subordinates. Although the research discovered some contradictions, most sources provided a similar, yet incomplete view of the overall issue.

As an end product of the research, the study produced a stand-alone "fraternization policy booklet." This fifty page guide integrated material from over 100 different sources, including interviews with various policy experts. Organized topically, the "booklet" covers several subjects, including: the fraternization custom, professional relationships, situational factors, Air Force institutional practices, marriage policy, criminal/administrative sanctions, and current issues.

Several commanders and JAGs reviewed the booklet and endorsed its use as a training aid for Air Force members. Based upon "expert" validation of the booklet, the author recommends its use at squadron commander and JAG conferences and at various Air Force schools where fraternization is discussed.

# FRATERNIZATION IN THE UNITED STATES AIR FORCE: DEVELOPMENT OF A POLICY BOOKLET

## I. Introduction

### Fraternization Defined

Any discussion of the topic of fraternization must begin with a definition. AFR 30-1, Air Force Standards, provides initial guidance, although it does not concisely define the term. The regulation states that fraternization occurs when officers associate with enlisted persons "under circumstances that prejudice the good order and discipline of the Armed Forces of the United States" (37:19). AFR 30-1 further states that fraternization is especially severe when a superior-subordinate relationship is involved, resulting in the "appearance of favoritism, preferential treatment, or impropriety" (37:19). Finally, the regulation emphasizes that improper relationships are not limited to officer-enlisted scenarios and points out that any association between Air Force members of different grades that negatively impacts duty performance, discipline, and morale is inappropriate (37:20).

Other official sources offer additional inputs to a fraternization definition. Article 134 of the Uniform Code of Military Justice (UCMJ) provides a criminal definition. Unlike AFR 30-1, it specifically states that fraternization is restricted to **officer-enlisted** relationships and occurs when an officer associates with an enlisted member on terms of military equality in a way that prejudices good order and discipline or discredits the armed

forces. The article cautions that not all contact or association between officers and enlisted is improper. The surrounding circumstances must be analyzed to determine whether the chain of command has been compromised, there is an appearance of partiality, or good order and discipline has been undermined (27:Sec IV,127). A Hq USAF point paper further defines the topic. It distinguishes between fraternization and unprofessional relationships, saying that fraternization "may only occur between an officer and an enlisted and not between two officers and two enlisted persons" (55:1). This thesis will not employ quite so restrictive a definition, but will generally define fraternization as any personal, social relationship between service members of different grades that is deemed improper by military authority.

### Background

In order to identify a legitimate management problem within the topic of fraternization, the research began with an exploratory literature search combined with selected interviews of key Air Force personnel. The initial literature review revealed several research papers by Air University students as well as some articles from professional military journals. Next, semi-structured personal and phone interviews were conducted with Judge Advocate Generals (JAGs) and squadron commanders throughout the Air Force. These interviews were designed to uncover any problems with fraternization from either a legal or command perspective. Three JAGs from the Wright-Patterson AFB legal office were personally interviewed and four lawyers from MAJCOM (Major Command)/AF Headquarters level offices were contacted by phone. The author also interviewed five squadron commanders from Tactical Air Command (TAC), Strategic Air



Command (SAC), and Military Airlift Command (MAC) to gain insight into the fraternization issue from an operational point of view.

Significance of Issue. Several senior Air Force officers have voiced increasing concern over the dangers associated with fraternization violations. General Bennie Davis in a 1982 speech at the Air Force Academy said:

I will focus on a single issue which, if left unchecked can destroy the very core of our military structure--the issue of fraternization--social contact between officers and enlisted personnel which results in undue familiarity. . . This is not a social class issue in any sense. It is a bedrock, traditional military value which has, at its heart, the maintenance of discipline in the force, not only for wartime operations, but for peacetime as well [107:2].

General Duane Cassidy, then Deputy Chief of Staff for Personnel, also emphasized the importance of the issue in a 1985 letter:

. . . we must sustain our current efforts to insure that Air Force values and customs are upheld. . . Equally important are the efforts of commanders at squadron and wing level to reinforce those traditional values and customs, especially where fraternization is concerned. . . Each of us must support these effective and needed traditions [20:1].

In essence, these senior leaders see fraternization as a significant issue and support appropriate measures to reinforce Air Force policy.

Additional evidence points to a heightened awareness of fraternization issues in the Air Force. In 1983, senior leaders directed a media campaign to discuss fraternization policy in nine different Air Force publications (38:2). Additionally, a Pentagon point paper indicated that the Air Force Chief of Staff had reviewed the policy three times since 1981 and reported that the issue had been a frequent subject of numerous CORONA (general officer)

conferences (55:2). Also, efforts to standardize fraternization policy have been a high priority issue at recent TAC commanders' conferences (10).

The significance of the fraternization issue is also supported by the seriousness with which the Air Force treats policy violators. According to statistics furnished by the Air Force JAG office, there has been a significant rise in the number of fraternization courts-martial and Article 15s in the past four years. In 1984 there were no courts-martial and only one Article 15 issued, while in 1987, ten court-martial offenses and six Article 15s were charged (99). Lt Col William Jones, Director of Military Law at Hq MAC, contends the Air Force will not hesitate to punish fraternization violators even when circumstances prevent a court-martial or Article 15. He says the service has acted quickly to end careers on this issue by taking appropriate administrative action towards offenders (61).

A 1984 survey suggests that social relationships between officers and enlisted members may be widespread. Lt Col Canter's survey of Air University officer and NCO students found that 50 percent of the junior officers who had dated other military personnel admitted to dating enlisted members. Likewise, 40 percent of the NCOs who had dated others in the military claimed they had dated officers. Additionally, a clear majority of the surveyed groups claimed they had witnessed some examples of fraternization violations within their careers (17:17-19). Although the results must be interpreted cautiously, Canter's survey seems to indicate that social relationships between young officers and enlisted are quite prevalent.

Confusion About Policy. Not only is fraternization a significant problem area, but initial research suggests that widespread confusion exists about the actual substance of Air Force fraternization policy. According to Lt Col

Jones, most people do not know what the Air Force policy is towards fraternization. He says a great deal of confusion exists in the field because personnel simply do not know the policy guidelines (61). Capt Matthew Nasuti, a lawyer in the Hq AFLC JAG office, echoes this claim, stating that most Air Force members are unclear about fraternization standards and do not understand what is and is not permitted within the realm of personal relationships (80).

Other surveys and studies support the contention that a state of confusion about fraternization policy may exist. In his survey of Air University students, Canter found differences among the way young officers, NCOs, and senior officers viewed officer-enlisted dating. A large majority of the senior officers felt that all officer-enlisted dating was unacceptable while most of the junior officers and NCOs answered that officer-enlisted dating did not constitute a fraternization violation unless the couple worked within the same chain of command (17:18). In a different study, Cordon found that inadequate guidance has led to uncertainty about the policy. He writes, "Inadequate guidance . . . has resulted in confusion, misunderstanding, lack of enforcement, inconsistent and unequal prosecution, and the violation of the fraternization custom" (25:14). Lt Col Mahoney also argues that a lack of policy guidance has caused confusion. He states that "specific guidance for Air Force members and commanders is virtually non-existent, except in the most flagrant types of wrongful fraternization" (71:40).

Further evidence shows the confusion and lack of policy information may be partly caused by a void in professional military schools' curriculum. Currently, the Air Force Academy, Air Command and Staff College (residence), Squadron Officer School, and the Senior NCO Academy offer no

formal discussion of the fraternization issue. Only ROTC, OTS, Air Command and Staff College (seminar) and Air War College have set aside blocks of instruction dealing with the topic (106). Therefore, many officers and enlisted receive little instruction from professional military training programs concerning the controversial fraternization topic.

Policy not Standardized. Not only is there confusion and a lack of information about fraternization policy, but research shows the policy is often not standardized, with differing interpretations by leadership at both the MAJCOM and base level. According to Lt Col Evans, commander of the 83rd Fighter Weapons Squadron, TAC has traditionally interpreted fraternization policy more strictly than the other commands. He says that differing missions often induce unique policies from command to command and base to base (44). Capt Frank Steele, assistant Staff Judge Advocate at a base legal office, has witnessed different fraternization policies and enforcement among three MAJCOMs. He reports that United States Air Forces Europe (USAFE) interpreted the policy loosely and handled all fraternization violations administratively while Air Training Command (ATC) had a very strict policy, reinforced with a separate command regulation on the subject (102). Another JAG noted differences in policy interpretation from MAC to SAC. He claimed that MAC had no distinct fraternization policy, while SAC was very strict and pushed its JAGs to emphasize and enforce a tough fraternization standard (80).

Besides differences in policy enforcement and interpretation at the MAJCOM level, many have noted that individual commanders vary widely in their understanding and implementation of the policy. Flatten found a wide disparity of attitudes among commanders ranging from those totally

unconcerned about fraternization to those who constantly emphasized the policy and frequently made their views known to their people. He discovered that this disparity often led to different standards for different units (45:114). Kankiewicz reached a similar conclusion, arguing that policy inconsistencies among commanders has confused the issue for many Air Force members (62:24). Lt Col Wildung, commander of the 75th Military Airlift Squadron, also sees widespread differences in the ways commanders interpret policy. He feels the biggest problem facing the fraternization issue is a lack of understanding by military members caused by inconsistent interpretations of commanders (139). In summary, the research suggests different fraternization policy interpretations exist among the MAJCOMs and commanders.

Need for Clear Guidance. Within this environment of policy confusion and inconsistent enforcement, many have called for additional policy guidance for commanders and individual Air Force members. This call has not been solely for policy changes but often for a clearer explanation of the policy already in place. One MAJCOM level JAG said the most pressing requirement is an up-to-date exposition of current fraternization policy. He says the question "What is the policy?" should be analyzed and answered in a clear, concise manner (61). A MAC squadron commander echoed this concern, saying today's situation does not call for a change in fraternization policy, but for increased efforts to understand the policy and get the word out to those in the field (139). Many interviewed JAGs and squadron commanders agreed that more effort is needed to clarify fraternization policy.

Several in the literature have also called for clearer explanation of Air Force policy towards fraternization. Flatten states that commanders need a

better understanding of the policy. He argues, "Commanders are entitled to know, at least generally, what standards the Air Force wants them to enforce and the authority they have to enforce them" (45:113). Thompson agrees stating that "written guidance is a necessity for our commanders and supervisors" (107:2). He argues that commanders need a written basis which they can use as background to both counsel personnel and make proper enforcement decisions (107:23). In another study, Bondaruk and Focht emphasized that the services must first reaffirm and validate their existing policy on fraternization and then hold commanders accountable for enforcing that policy standard (16:vi). In summary, many JAGs, commanders, and researchers have voiced a need for clearer policy guidance, arguing this will help eliminate confusion, standardize enforcement, and ultimately reduce the negative impact that fraternization has on Air Force units.

Benefits of a Policy Booklet. The above background research has suggested a real need for fraternization policy information at the "grass roots" level. Since the commander is often perceived as the focal point for policy information and enforcement, one might argue that better educating commanders about fraternization policy could significantly improve the understanding of the policy by Air Force members in general. During exploratory interviews conducted by the author, several were asked if a booklet that summarized Air Force fraternization policy by examining directives and court cases would be helpful to commanders. All responded positively. Maj Andre, chief of the Hq USAF office that handles fraternization issues, enthusiastically endorsed the concept. He said a properly phrased booklet could provide commanders with badly needed

information about fraternization policy (8). Lt Col Wildung agreed, stating that a policy booklet would be very valuable to commanders and would help standardize policy throughout the Air Force (139). Additionally, a TAC squadron commander contended that such a booklet would assist many commanders who are unfamiliar with the issues surrounding social relationships between service members of different ranks (44). Every squadron commander interviewed claimed he would find such a booklet helpful in setting and enforcing policy.

Others interviewed felt a policy booklet would not only help commanders but would be of value to JAGs, curriculum directors, and Air Force members in general. Maj David Barton, Chief of Military Affairs at Hq ATC, stated that the booklet would benefit JAGs by helping them pull together the different aspects of fraternization policy. He claims the toughest challenge facing fraternization policymakers is to get the elements of the policy all together into one descriptive statement--a policy booklet would do this. Furthermore, he states this badly needed document would be especially valuable to course directors at professional military education (PME) schools (14). Maj Andre, at Hq USAF, also agrees that a booklet would especially benefit course planners at PME and commissioning schools. Another Air Force JAG said a policy booklet would help clear the haze surrounding this controversial issue and could save research time for a JAG by identifying the pertinent court cases that have helped set the policy (47). Among the commanders and JAGs interviewed, the author discovered a clear consensus favored a fraternization policy booklet.

### Specific Problem

The exploratory research identified the following research problem which became the focus of the thesis effort:

What is the present Air Force position towards fraternization as determined by the UCMJ, court cases, regulations, and other official sources? How might this policy be arranged in a "booklet" for use by commanders, JAGs, and course planners?

### Investigative Questions

In order to effectively answer the above research questions, several investigative questions were posed:

1. What official fraternization guidelines/directives exist within the Air Force?
2. What does the UCMJ state about fraternization in the military?
3. How have civil and military courts interpreted the UCMJ and service policies towards fraternization? When is an offense criminally prosecutable?
4. When are administrative actions appropriate for dealing with fraternization violations and what are these actions?
5. What are Air Force commissioning and Professional Military Education (PME) schools teaching about fraternization?
6. What fraternization topics should be covered in a "policy booklet" for commanders?

### Scope

The nature of the problem narrowed the scope of the research effort. First, this thesis dealt only with **Air Force** fraternization policy. Except when examining regulations, directives, and court cases that applied to all services, the fraternization policies of other services were ignored. Since



the thesis was dedicated to the exposition of Air Force policy, the author concluded that introducing other service positions into the question might cloud rather than clear the issue. Furthermore, the research only analyzed **Air Force-wide** policy. In other words, fraternization policies that applied solely to a particular MAJCOM or base were not considered. Since one potential benefit of the research was to help standardize policies throughout the Air Force, it was felt that any explanation of differing MAJCOM/base policies might prove counterproductive.

Second, the research did not attempt to judge the benefits or drawbacks of current fraternization policy. Much has been written and many studies have been done analyzing why fraternization might/might not be harmful to the effectiveness of a military organization. This research effort did not enter that debate but assumed the policy put forward by the Air Force is appropriate and necessary for the maintenance of military effectiveness, morale, and discipline. Moreover, this thesis did not attempt to judge, challenge, or suggest changes to existing Air Force policy towards fraternization. The author's sole purpose was to identify the sources of policy, analyze the data, and provide a means to transfer that information to commanders in the field. In short, senior commanders have set the policy; this thesis attempted to elucidate that policy and present it in a succinct format.

## II. Review of the Literature

### Introduction

Before analyzing current Air Force fraternization policy, a thorough review of the literature was conducted to gain insight into the issue. Early in the research process, the author travelled to the Air University library at Maxwell AFB, Alabama and collected several primary source documents dealing directly with the fraternization issue. Several other sources were reviewed including military journals, research reports, texts on military history, civilian journals, legal journals, and USAF Air Staff documents. The dual purpose of this review was to provide a history of the fraternization problem and explore the critical issues related to superior-subordinate social relationships.

Overview. This review of the literature covers four major areas. The initial and largest section provides a comprehensive history of military fraternization policy from Medieval times to the present. This section is followed by a summary of the societal, demographic, and institutional causes of fraternization problems discussed in the literature. Next, in order to examine the issue from the private sector perspective, a brief review of "civilian" fraternization issues is provided. Finally, the chapter concludes with a discussion of a 1984 Air University attitudinal survey on fraternization.

Limitations. Although this review attempted to cover all pertinent areas, three subjects were intentionally neglected. First, no information on the various recommended changes to fraternization policy was provided. As stated earlier, the author wished to keep the report descriptive and avoided

issues that might tend to prescribe policy. Next, much is written concerning the relationship between fraternization policy and discipline in the services. Since the author assumed at the outset that a policy against fraternization was necessary to preserve discipline in the armed forces, references to this debate were not included in the review. Finally, very few references to court cases governing fraternization policy were included. Although arguably historical in nature, these cases were covered in depth under current fraternization policy in Chapter IV.

### History of Fraternization Policy

There is a long-standing custom in the military service that officers shall not fraternize or associate with enlisted personnel under circumstances which may prejudice the discipline and good order of the armed forces of the United States [26:2].

As stated by General Davis in 1982, the military has long accepted a custom against fraternization. Where did this custom begin and how has it evolved? To answer these questions, this section traces the development of the Air Force's fraternization policy from its roots in Medieval Europe through its evolution in the U. S. Army and to its present status in the U. S. Air Force.

Early Evolution. The earliest reference to a formal policy prohibiting social relationships between military members of different grades was found in the Code of Articles of King Gustavus Adolphus of Sweden in 1621. In this written code, specific "off-duty" contacts between officers and men were expressly prohibited. The Code explains that officers and their men originate from different societal classes which should never mix socially (142:1).

Developments in Europe during the 17th and 18th centuries seemed to institutionalize the practice forbidding officer-soldier fraternization in Western armies. During this time, to increase security from raiding nomadic tribes, several European states created permanent standing armies (53:21). Officers were usually recruited directly from the ranks of the nobility, who were in need of employment due to the increasing break-up of their feudal estates. One source claimed "the aristocracy had a virtual monopoly of officers' positions in the European armies" (53:22). Alternatively, enlisted soldiers were conscripted for an 8 to 12 year term "from the worst orders of society by a mixture of bribery and coercion" (53:21). As a rule, the enlisted troops came from peasant families and were never permitted to rise to officer status. Since officers and enlisted men came from two separate classes of society, their social relationships were governed by the same rule predominant in medieval society: nobility will not mingle with peasants. Therefore, officer-enlisted communications were limited to issuing and receiving orders; social relationships were not desired or allowed (23:247).

American Revolution. The young Continental Army of the American colonies adopted many customs of the British/Prussian military tradition, including the taboo against officer-enlisted association. Any social contact between officers and enlisted was strictly forbidden and resulted in immediate courts-martial for those involved (136:11). However, a distinction between officers and conscripts based purely on the noble-serf relationship was incompatible with the democratic ideals embraced by the new republic. Therefore, the young American army justified its strict frater-

nization rules on functional grounds, primarily the need for strong discipline within the ranks (23:247).

Admiral John Paul Jones, an early American naval hero, saw no incompatibility between the democratic principles established by the new republic and rules restricting the relationship between officers and their men. He wrote:

Whilst the ships sent forth by Congress may and must fight for the principles of human rights and republican freedom, the ships themselves must be ruled and commanded at sea under a system of absolute despotism [96:120].

Although Admiral Jones saw a need for harsh superior-subordinate relationships at sea, he favored a policy of easier relations when off duty.

Regarding the naval officer he writes:

He must meet and mix with his inferiors of rank in society ashore, and on such occasions he must have tact to be easy and gracious with them, particularly when ladies are present . . . though constantly preserving the distinction of rank [96:119].

In short, Jones recommended pleasant relations between officers and enlisted when off duty, but stressed the need for clear distinctions between the ranks at all times.

Early Twentieth Century. Through the first part of the 1900s, the American military retained its strict policy forbidding fraternization of any sort between officers and recruits. A 1916 Army officer's handbook warned officers of the dangers inherent in becoming overly familiar with their men, pronouncing that "such popularity fades when the real test comes, and changes to disrespect, insubordination and contempt" (9:13). Similarly, a 1921 guide to military discipline and courtesy stated that "undue familiarity" between officers and soldiers can only lead to contempt and a

breakdown of discipline (45:109). Another source noted that the taboos against fraternization were not confined to officer-enlisted relations but extended to the enlisted ranks as well. Social relationships between NCOs and privates were regarded as unseemly and therefore prohibited (45:109).

Despite an overall custom prohibiting fraternization in any form during the early 1900s, many called for an easing of the characteristically harsh treatment of recruits by officers. The long-standing, sharp distinctions between the ranks had created a situation where officers often treated their men as if they were members of an underclass breed. A 1917 officer's manual advised young officers to avoid familiarity with their men but implored them to treat their men humanely and with "sympathetic consideration" (76:98). A 1921 Marine Corps manual extended this concept by embracing the philosophy of Maj Gen John A. Legeune who considered comradeship and brotherhood important ingredients of a military unit and encouraged his officers to treat their men as "sons" (1:65). Similarly, the 1929 Army Officer's Manual pushed for better relations between officers and enlisted, urging young officers to get to know their troops. Unlike most literature of the time, the guide did not mention any dangers associated with undue familiarity or fraternization (77:338-339). Although reforms towards better **duty** relationships were prevalent during this period, strict customs continued to forbid all **social** relationships between officers and their men.

World War II. At the outbreak of World War II, a policy promoting social distance between officers and enlisted was firmly in place. New officer candidates were taught that this distance was necessary to preserve discipline during times of war (23:258). The military community held

firmly to the belief that officers orders would be obeyed only if "rigid social distinctions were maintained" (23:258) between the ranks.

With the induction of women into the Army during World War II, Army fraternization policy was forced to deal with the issue of male-female social relationships for the first time. Throughout the war, Army policy prohibited officers from socializing with enlisted men or women. Although the policy was not mentioned in any regulation, it was entrenched as a custom of the service and received quiet support from senior officials. One source claims the War Department snied away from putting the policy into writing largely because several senior officers were married to enlisted WACs (Women's Army Corps) (108:511-514). Although overall Army custom generally prohibited fraternization, theater commanders tended to establish their own policy guidelines. In the North African theater, General Hughes initially lifted all restrictions against officer-enlisted dating primarily because an anti-fraternization policy proved too difficult to enforce. The policy was later rescinded by a new commander, General Davis, who strictly forbade officer-enlisted social relationships except between relatives or fiances. These were required to carry letters proving their status (108:374-376). In the Pacific Theater, a general ban against officer-enlisted dating was in place throughout the war (108:447-449). As a rule, off-duty socialization between officers and enlisted was seldom tolerated in the U. S. Army during World War II.

Responsibility for enforcing fraternization policy was generally delegated to the Military Police during the war. MPs were instructed to arrest enlisted WACs who were escorted by Army, Navy, or British officers unless they carried special papers proving their "date" was a relative or long-

standing friend (108:374-376). Typically, only the female was punished for such an offense (108:447-449). This strict enforcement policy led to some amusing situations. For instance, in 1944, one enlisted WAC trainee requested a letter authorizing her to dine in public with her father who was a lieutenant general (50:74). In another incident, a four-star general discovered that the departure of his enlisted secretary "was due entirely to one incident in the theater, in which she had been arrested for dining in public with her husband, an officer" (108:376). In the Pacific theater, notices were frequently posted outside WAC units advising male officers that enlisted women were off-limits. These notices were generally torn up and ignored by combat units (108:447-449).

Although enlisted women rarely complained about policies prohibiting socializing with **female** officers, they bitterly resented the rules which kept male officers off limits. Since more than half of enlisted WACs were eligible for Officer Candidacy School themselves, no natural social division led them to prefer enlisted men (108:374-376). From their perspective, the policy unfairly forced them to "decline dates and stay away from parties because of their supposed social inferiority" (108:511). According to Brig Gen Jeanne Holm, this strict policy enraged women who did not "take lightly the suggestion that they were not socially good enough to associate with whomever they pleased" (50:75). Furthermore, Holm feels the enlisted WACs rejected the policy as contradictory, since only **women** were disciplined for violating the policy--male officers were generally not punished. Another contradiction was that male officers typically supported their peers who dated enlisted women while a female officer who dated an enlisted



man was considered "a traitor to her class" unless, interestingly, she was a nurse (50:74-75).

Towards the end of the war the WAC director, along with other Army leaders, called for a relaxation of the fraternization policy. Specifically, the WAC director pushed for a policy that would allow officer-enlisted dating during wartime except when a supervisory relationship was involved. After senior leaders rejected this proposal, she proposed a policy allowing dating between off-duty couples assigned to different bases. Although this suggestion gained initial approval from the Army Staff, it was rejected by the director of the Defense Bureau for Public Relations just prior to the end of the war (50:514). Another proponent of officer-enlisted dating was General Eisenhower, who reportedly became enraged when informed about his command's strict policy against fraternization. He issued the following statement after VE Day:

I want good sense to govern such things. Social contact between sexes on a basis that does not interfere with other officer or enlisted persons should have the rule of decency and deportment--not artificial barriers [50:403].

At the conclusion of the war, senior WAC leadership conducted a detailed review, examining the impact of the Army's fraternization policy on the female enlisted ranks. They found that the prohibitions against officer enlisted social associations were an important contributor to low WAC morale during the war. One enlisted WAC's comment typified the feelings of her contemporaries: "the whole experience was degrading and humiliating . . . I would not enlist for any amount of money unless the caste system is abolished in its entirety" (50:754). Their recommendations included: 1) abolishing dating restrictions, except between superiors and subordinates; 2)

establishment of all-ranks clubs; and 3) establishment of a visible, announced fraternization policy--whatever it may be (50:754).

Doolittle Commission. According to a study by Coates and Pellegrin, wars fought with large numbers of draftees and non-careerists are inevitably followed with a storm of protest against ineffectual officer-enlisted relations (23:254). After hearing such protests following WWII, Secretary of War Robert Patterson directed a board, headed by Lt Gen James Doolittle, to study and make recommendations regarding the status of officer enlisted-man relationships. The Doolittle Commission was chartered on 18 March 1946 to examine the following areas: 1) a lack of democracy in the armed services, 2) incompetent leadership, 3) abuse of officer privileges, and 4) the differential treatment afforded officers v. enlisted men (110:iv-1). The board members seemed to reflect an "enlisted" perspective since two members were enlisted throughout the war, two others were officers who had earned battlefield commissions, and one was an Army Lt General with prior enlisted experience. Some have argued that this rather narrow composition of the board led to biased recommendations (45:110).

The Doolittle Commission determined that officer-enlisted relations during World War II had deteriorated into a system of abused privileges and lost respect. Although the problem was widespread, the board discovered that the most flagrant abuses occurred within stateside, support units, while combat units experienced relatively good relations. The commission concluded that the poor relations were caused by a rapid mobilization process which brought many officers on active duty who were not trained to deal with subordinates in a fair and proper manner. Too often, these officers found it easy to abuse the authority and privileges that they suddenly

possessed. Also, the massive World War II draft created officer and enlisted ranks that reflected a true cross section of society. The societal and economic differences which had historically separated officers from their men no longer held true. Many enlisted men began to resent the special privileges and status held by officers who typically held similar educational and economic backgrounds. The Doolittle Commission concluded that this resentment generated friction which quickly eroded many superior-subordinate relationships (110:4-5).

In conducting their research, the Commission uncovered a system which formally discouraged fraternization between officers and their men. Some of the predominant social rules were: 1) officers and enlisted could not sit together at post movie theaters--segregated seating; 2) enlisted men could not socialize at an Officers' Club but were frequently required to work there as cooks and servers; 3) enlisted men could not date or associate with female officers; 4) enlisted were not allowed to attend officer parties; 5) conversely, officers were permitted to use enlisted clubs and dining halls at their own discretion; and 6) although not expressly prohibited, it was "considered demeaning for commissioned to associate with enlisted personnel off-duty or off military reservations" (110:8-9). The Commission depicted an Army system committed to maintaining social distance between officers and enlisted personnel.

The Doolittle Commission reached several conclusions and made more than a dozen recommendations covering the gamut of officer-enlisted relationships. Findings and suggestions relative to the fraternization issue were:

- 1) Americans find distasteful any attempt to make social distinctions between officers and enlisted men (110:18-19).
- 2) Poor officer-enlisted relations can be traced to a system that requires an officer-enlisted social gap (110:18-19).
- 3) New officers improperly interpret military custom on fraternization by choosing to maintain social separation from enlisted personnel while off-duty (110:18-19).
- 4) Off duty, all military personnel should be allowed to pursue "normal social patterns comparable with our democratic way of life" (110:22).
- 5) The hand salute should be abandoned off-duty and off-post (110:23).
- 6) Recommend "the abolishment of all statutes, regulations, customs, and traditions which discourage or forbid social association of soldiers of similar likes and tastes, because of military rank" (110:24).
- 7) Eliminate the terms "enlisted men" and "officers" and refer to all military men as "soldiers" (110:24).

Army response to the Commission's recommendations was negative. Secretary of War Patterson defended the Army's tough fraternization policy arguing that the abolition of off-duty social restraints between officers and enlisted would do more harm than good and could lead to additional abuses of the command relationship. In the end, Army leadership rejected the board's recommendations, arguing that Army policy should not be changed in an attempt to mirror changing societal values. Yet, as a token concession to the board's findings, the Army deleted a section from its regulations which had required officers to confine their social contacts to other officers (140:19-22).

Initial Air Force Policy. After its creation as a separate branch of service in 1947, the Air Force began formulating an independent approach

to the fraternization issue. Early leaders rejected the notion that all Army traditions and customs should be imported wholesale into the new service. In the words of General Spaatz, the first Air Force Chief of Staff, "The only custom of the Air Force is to get the damn job done" (45:110). Similarly, the first Air Force Officer's Guide stated that although the Air Force had adopted many Army traditions, it wanted to be a little less rigid in their implementation (136:11).

With the introduction of women into the Air Force in 1948, senior leaders generally agreed on the need for a standardized policy that would govern social relationships between officers and enlisted. The Air Force also discovered that the subject of fraternization was creating a negative effect on its female recruiting effort. The topic rapidly became a PR "hot potato," but no standard policy could be agreed upon to resolve the issue. During this period, a few officer-enlisted marriages took place and the new couples quickly discovered that they were often restricted from living on base, prevented from attending each other's clubs, and were not authorized dependent pay entitlements (50:75-76). As a result, although the Air Force failed to institute a specific policy regarding officer-enlisted marriages, its actions initially seemed to discourage the practice.

1950s-1960s. During the next two decades, the Air Force continued to maintain the traditional custom against officer enlisted social relationships, but stopped short of imposing any comprehensive policy guidelines. Officers were generally discouraged from socializing with enlisted persons off-duty. For example, a 1960 guide published by the Department of Defense warned officers not to drink with enlisted men unless at an official organizational party (28:190). Regarding officer-enlisted marriages, no

formal policy was established, but a 1957 housing regulation seemed to discriminate against such couples:

For officer-enlisted married couples, assignment to family-type public quarters is not considered to be in the best interest of the service, and such assignment will not normally be made [142:24].

In summary, the Air Force maintained its traditional negative stance towards fraternization, but chose not to adopt specific policies regarding officer-enlisted dating or marriage during this era.

1970s. During this decade the Air Force seemed to develop a more tolerant attitude towards officer-enlisted social relationships. Regulations were adopted which removed previous barriers to fraternization. For example, new club regulations allowed officers and enlisted men to be guests in each other's clubs when out of uniform. Policy during this period also permitted officer-enlisted married couples to reside on base and choose either officer or enlisted family housing. Additionally, local housing policies frequently permitted officers and enlisted personnel to reside in the same on-base housing areas. Furthermore, the Air Force seemed more willing to accommodate married couples by approving officer-enlisted joint spouse assignments, even to unaccompanied tour areas (56:1). Finally, the Air Force Professional Standards regulation released in 1977 appeared to accept the inevitability of officer-enlisted social relationships. It stated:

Since we all live and work together in a very close environment and endure common hardships, officer and enlisted personnel frequently develop close personal relationships. However, friendships must not interfere with judgment or duty performance [56:1].

In effect, Air Force policy implied that officer-enlisted fraternization was permitted as long as the relationship did not negatively impact job performance.

An official opinion letter released by the Air Force's Judge Advocate General in 1971 appeared to echo this relaxed attitude towards fraternization. The letter stated that officer-enlisted social contacts were appropriate except where they might undermine the mission and operational effectiveness of the Air Force. It explained that the Air Force encouraged free communication between all ranks and did not wish to impose a policy which might restrict this open flow of information (89:1). The letter further states:

The Air Force also encourages off-duty contact between officers and enlisted men through open membership in base recreational activities, base intramurals, interservice athletic competition, community welfare projects, and youth programs [89:1].

The opinion concludes by urging officers to reevaluate any social relationship with a subordinate which disgraces the service or undermines authority (89:1). In short, the letter supports a fraternization policy encouraging officer-enlisted social relationships but warns service members that these relationships must not be allowed to negatively impact the mission.

1980s. Contrary to the relatively lenient philosophy of the 1970s, the 1980s have witnessed a reexamination and gradual toughening of the Air Force's position. During the early part of the decade, many began to realize that the restrictions against fraternization were fast disappearing. In a 1981 article Flatten wrote, "The ban against fraternization is at best a custom which is losing its vitality. At worst it is a lingering unenforceable

relic of a bygone era" (45:113). According to Flatten, a military custom must be either adopted by regulation or be universally observed in order to be valid. In his view, fraternization met neither criterion (45:113). A 1982 Air Force Academy lesson plan also highlighted a lack of policy in the area, noting that the term fraternization was not mentioned in the UCMJ or any Air Force regulation (132:1).

Beginning in 1982, the Air Force sought to increase awareness of the dangers associated with officer-enlisted fraternization through an emphasis on education, not policy definitions or changes. Accordingly, a 1982 Air Staff letter highlighted a renewed program of fraternization education and training at commissioning and PME schools (5:63). Similarly, a 1982 ATC Commander's Conference report warned of an increase in fraternization incidents and called for vigorous emphasis and enforcement of the custom. Additionally, the conference conceded the problem was not just an officer-enlisted issue, stating that an "improper relationship" might also occur between two officers or two enlisted personnel. Finally, the report cautioned that the subject was simply too complex for the Air Force to develop a formal legal position and recommended an emphasis on education and awareness, not specific directives (5:63-68).

In 1983 many senior Air Force leaders began to challenge the status quo and advocate a stronger position towards fraternization. Several argued that the policy was simply too lax, while others complained that contradictory directives sent conflicting signals to the field. In a 1982 speech, General Bennie Davis called for a hard-line approach to fraternization policy arguing that "undue familiarity undermines respect" and "fraternization real or perceived can generate resentment and discontent



and undermine the performance of the Air Force's mission" (26:8). Several policy reviews, including an ALLMAJCOM review in 1983, led to changes in many of the regulations which governed officer-enlisted relationships (55:1). AFR 30-1, Professional Standards, was revised to include a section on fraternization which provided stricter, more specific guidance in the area of officer-enlisted relationships (56:1). Housing, open-mess, and assignment regulations were also modified to be consistent with an overall policy that discouraged unlimited socializing between officers and enlisted persons (55:1).

In late 1983, the Air Force Court of Military Review (AFCMR) released its decision in the case of U. S. v. Johanns which was to have lasting implications for the fraternization issue. Earlier in 1982, Air Force Capt Michael Johanns had been convicted by a general court martial for engaging in sexual relations with three different enlisted women who were outside his supervision (72:1). The AFCMR reversed the fraternization conviction on the grounds that no clear cut standard against fraternization existed in the Air Force. The court argued

As a matter of fact and law the custom in the Air Force against fraternization has been so eroded as to make criminal prosecution against an officer for engaging in mutually voluntary, private, nondeviate sexual intercourse with an enlisted member, neither under his command or supervision, unavailable [56:2].

The AFCMR also noted that the fraternization custom in the Air Force had been diluted by numerous housing, open mess, and management practices which seemed to condone the practice. It recommended that the Air Force adopt a specific fraternization policy to help provide better guidance to Air Force members (56:1).

In response to the AFCMR ruling, Air Force leadership backed a 1984 change to the Manual for Courts Martial which made fraternization punishable as a separate specification under Article 134. The Air Force emphasized that the AFCMR ruling was a response to 1982 fraternization policy and that subsequent policy changes put the service in a much stronger position to punish future fraternizers. Consequently, no further policy changes were instituted. In June 1985, the Court of Military Appeals reconsidered the Johannis case and upheld the AFCMR ruling (55:1). Following this decision, the Air Staff conducted another fraternization policy review and recommended the following initiatives to the Chief of Staff:

1. Continuing education and publicity
  2. AF/MP letter to MAJCOM commanders
  3. AF/CC letter to commanders discussing command responsibility
  4. Wing/Base/Squadron commander courses
  5. Emphasize "first name" policy
  6. Restrict transient quarters use
  7. Mandatory premarital counseling for officer-enlisted couples
  8. Prohibit officer-enlisted marriages
  9. Restrict eligibility for commissioning enlisted persons married to enlisted
  10. New regulation on professional relationships
  11. No join-spouse assignments for officer-enlisted couples
  12. Further restrict spouse club use
  13. Eventual separation of one member of officer-enlisted couple
- [56:1]

Only recommendations 1, 2, and 3 were adopted. The Chief of Staff chose to emphasize fraternization policy without making sweeping changes to policy. Generally, the Air Force has been content with the policy reforms instituted in 1983 and feels confident that a future Johannis-type case would result in a conviction [56:1].

Summary. The U. S. military imported its custom against officer-enlisted fraternization from feudal Europe where officers and conscripts were traditionally recruited from separate classes of society. However, the new American army based its need for social separation between the ranks, not on "class" grounds, but on a fundamental military need for control and discipline. Since that time the custom has been shaken by the introduction of women into the services and has been influenced greatly by changing societal norms. In this decade, Air Force policy towards fraternization seems to have become more strict following a relatively relaxed period in the 1970s. Despite changes in policy emphasis and enforcement, the Air Force has been reluctant to develop a clearly articulated position towards the fraternization issue.

#### Causes of Fraternization

A close examination of the history of fraternization policy reveals that the issue has not received much attention until recent times. Why is this so? What external and internal factors have helped make fraternization such a sensitive and controversial topic in today's Air Force? Five areas seem to have encouraged closer social relationships between service members of different grades: 1) societal norms, 2) increased number of women in the Air Force, 3) less officer-enlisted differences, 4) Air Force institutional practices, and 5) the nature of the military profession.

Societal Norms. The military profession did not develop its policy towards fraternization in a vacuum. As one author explained, "all components of our understanding regarding fraternization seem to be affected by the culture within which the definition is applied" (22:41). In a research

study directed towards understanding the sociology of American military institutions, Coates and Pellegrin identified four social factors which appear to challenge the military's traditional custom against fraternization. First, the democratic principles and ideology on which our country was founded implicitly contradict a system which makes social distinctions on the basis of rank or position. Next, the technical nature of the military requires the services to lure highly educated engineers and scientists away from the civilian segment. To avoid "scaring off" these individuals, the military feels pressure to relax a tough fraternization policy. Third, the nature of warfare has changed from an emphasis on automatic obedience to individual initiative. This emphasis on the individual may have further served to loosen restrictions against officer-enlisted socializing. Finally, the study predicted that the military's gradual adoption of the "human relations" school of management theory would gradually foster closer superior-subordinate relationships, and invariably, more fraternization (23:261-262).

One powerful societal norm which has worked against the fraternization custom is the **rise of individual autonomy**. According to Flatten, Americans have enjoyed ever increasing individual freedoms while witnessing the downfall of institutional power over the past twenty years. He reasons that young people from our egalitarian society are generally reluctant to accept a fraternization policy which makes social distinctions based on rank (45:112-113). Even as early as 1946, over 72% of the American public agreed it would be a good idea to reduce the social distinctions between officers and enlisted men by eliminating separate facilities for dining and entertainment (110:10). Furthermore, a recent study found that new personnel are generally uncomfortable with Air Force

norms that restrict social relationships. Consequently, they often reject these norms and develop relationships as they see fit. (25:11-12).

**Resistance to authority** is another societal factor which has produced a climate favoring fraternization. Beginning in the 1960s, the youth culture developed a marked opposition to adult values and institutions (54:45). As a result, many young people entered the service with a basic distrust of authority that left them unimpressed by arguments claiming that personal relationships might handicap an organization's effectiveness (22:41). These young people held values which were diametrically opposed to military authority, regimen, and custom (45:113) and simply failed to see the importance of fraternization regulations (22:41).

Finally, some contend that the Air Force's increased endorsement of "human relations" concepts in management has created a workplace environment which fosters close, personal relationships between superiors and subordinates. According to Isenhower,

Such development over the past several decades can best be defined as a social undercurrent, one moving superiors and subordinates closer together [54:45].

Bondaruk and Focht echo this observation, indicating that an increased emphasis on participatory management ideas like quality circles, group consensus, and close individual counseling have helped erase some of the distinctions established by rank. As a result, the potential for fraternization between personnel of different grades has increased significantly (16:22).

Increased Number of Women. Although societal pressures have contributed significantly, many would argue that the introduction of large numbers of women into the service has played the dominant role in the rise of fraternization as a significant Air Force issue. With the introduction of

the All-Volunteer Force in 1973, the Air Force chose, for the first time, to actively recruit women to meet enlistment quotas. The service quickly discovered that women, as a group, enjoyed higher aptitude scores, were better educated, and suffered less discipline problems than their male counterparts. Although the Air Force reaped many benefits from this mass influx of women, the demographic change in the Air Force population reawakened the male-female fraternization issue which the Army had struggled with during World War II (48:13). According to Bondaruk and Focht, the creation of the All Volunteer Force and the subsequent introduction of large numbers of women into the Air Force was the single most important event in increasing the significance of the fraternization issue (16:19).

Statistics describing the increased numbers of female service members are dramatic. The percentage of women in the armed forces rose from 1.4% in 1970 to 9.3% in 1984. This trend will continue. The fiscal year 1985 defense authorization bill required the Air Force to increase its percentage of female recruits to 22% by fiscal year 1988 (22:40). Clover and Wood believe this rise in the female population will increase the potential for opposite sex fraternization and predict that the number of such incidents will rise dramatically (22:40,52).

Other statistics seem to validate this prediction by correlating a rise in officer-enlisted marriages to the increased numbers of women in the service. These "mixed" marriages rose from just over 400 in 1975 to approximately 1300 in 1983 (39). This seems to reinforce the notion that as more women enter the service, there will be increased pressures for dating and marriage between men and women of different ranks.

How has the introduction of large numbers of women into the Air Force increased the potential for unprofessional relationships? According to Admire, professional relationships between men and women are often influenced by ingrained social habits which are generally inappropriate for the workplace. He claims that American men tend to be overprotective towards and often awkward around women in the work environment (1:65). He writes:

In disguising our confusion, we often jokingly acknowledge that we never quite understand women. This becomes somewhat of a self-fulfilling prophecy because at times we never quite know how to treat women in the service, how to act toward them, how to respond to them [1:65].

Admire says this uncertainty often leads men to treat their female superiors or subordinates as if they were social targets instead of professional cohorts--behavior which easily leads to a fraternization incident. Admire concludes that women are not the cause of the male-female fraternization issue, only an essential ingredient. He claims the real problem lies with the attitude of men who fail to treat women as fellow service members (1:66).

Less Officer-Enlisted Differences. Another factor which has created an Air Force more conducive to fraternization is the gradual erosion of distinctions between officers and enlisted personnel. Coates and Pellegrin discovered that the the highly technical nature of the armed forces (especially the Air Force) causes the services to recruit enlisted personnel with qualifications and educational backgrounds relatively similar to the officer corps. Ironically, this

... attempt to populate the armed forces with highly qualified persons has resulted in swelling the ranks with precisely the

type of enlisted man who is most likely to be critical of officer-enlisted man distinctions [23:255].

In a different article, Flatten reported that educational and financial differences between officers and enlisted men have narrowed over the past several decades. He contends that pay increases have allowed enlisted personnel to live in the same residential areas and enjoy similar lifestyles as their officer counterparts. Flatten observes that the two groups essentially live, work, and play in the same social setting (45:113). This erosion of socioeconomic barrier between the groups has helped establish a climate favoring close, personal relationships (107:18).

Air Force Institutional Practices. An Air University research report identified several institutional practices which, by default, bring officers and enlisted together in various social settings, thus increasing the potential for fraternization. For instance, officers and enlisted are encouraged to play on joint intramural teams and participate together in other base-sponsored recreational activities. Joint participation is also encouraged in youth programs, chapel activities, and community relations projects. During these outings, children and adults intermingle and social relationships invariably develop between officers and enlisted personnel. Additionally, the study points out that aircrews in MAC and SAC are frequently billeted together, a situation which often leads to off-duty social contacts between officers and enlisted persons. In effect, the study contends that these Air Force sponsored activities may have created situations conducive to fraternization violations (107:16).

The literature also identified several Air Force management practices which potentially enhance the development of personal relationships between members of different ranks. For instance, Gemlich found that



many commanders encourage frequent parties in order to promote unit cohesiveness. Officers are advised to get to know their subordinates on a personal level and attend functions such as "Bosses Night Out" at local NCO clubs. According to Gemlich, these social functions could help spark the development of an improper social relationship between a superior and subordinate (48:15-16). In a similar vein, Hughes noted that the technical sophistication of Air Force equipment and the high expertise required of its operators often warrant a people-oriented leadership style which, if interpreted improperly, can encourage fraternization within a unit (52:33). Additionally, an Air War College research report discovered that the Air Force's aggressive social actions policies during the 1970s produced an environment where enlisted persons could freely challenge their commanders and other officers. This environment, combined with other factors, may have helped erase some social distinctions between officers and enlisted, thus encouraging more fraternization (25:22-26).

Nature of the Military Profession. The very nature of the military profession produces a unique, intense relationship between superior and subordinate. Wilson writes:

The nature of the military profession and what has been termed the "unlimited liability" of the contract the military professional holds with the nation he serves, necessitates simultaneously a special bond between the officer and subordinate as well as a special detachment between the two [140:7].

According to Wilson, this "special bond," if not handled professionally, can degenerate into an improper personal relationship which may negatively impact discipline and morale (140:7).

From a different perspective, some have argued that the nature of the profession is changing from a "professional" to more "occupationalist" force. They claim that military officers no longer see themselves as part of a special "calling," but as employees who happen to earn their living as military defense specialists. According to Bondaruk and Focht, this shift has helped erode several long standing military values and customs including the tradition against fraternization (16:20). Thus, both the nature and changing perspective of the military profession may have helped indirectly encourage more fraternization.

Summary. Many authors have speculated on the factors which have made fraternization a significant issue in today's Air Force. Changing social patterns have pressured both Air Force policymakers and members to adapt military traditions to changing societal norms. Additionally, the large influx of women into the service, combined with the erosion of social differences between officers and enlisted, have combined to make fraternization a more frequent occurrence. Finally, several have argued that some Air Force institutions and management practices often provide an easy breeding ground for fraternization to occur. A careful recognition and awareness of these factors can help policymakers better understand the fraternization issue and more accurately predict the impact of future policy changes.

#### Fraternization in the Civilian Workplace

Although fraternization is usually discussed within a military context, several academic studies have examined the impact of superior-subordinate personal relationships on private sector organizations. This research in the business world may provide insight to Air Force fraternization

policymakers. This literature search reviewed the following five studies: 1) Collins--survey research analyzing the affect of romances among middle and upper level managers on organizations; 2) Dobbins and Russell--experimental study of the biasing effects of subordinate likableness on leader behavior; 3) Gray--informal article concerning romance in the workplace; 4) Quinn--scientific study of formation, impact, and management of romantic relations in the workplace; and 5) Zelenick--article advocating close personal relationships during the subordinate mentoring process. This section will examine company fraternization policies and discuss how close personal relationships affect individual employees and the organization as a whole.

Company Policies. Individual companies react differently to dating and marriage within their organizations. In one Michigan restaurant, a waiter was told that he could quit, be transferred, or fired if he married another waitress working at the same establishment. Similarly, the Greyhound Corporation routinely transfers out one member of a "company married couple." On the other hand, Southwestern Bell encourages office romance and even features newlywed company couples in its corporate newsletter. Hewlett-Packard espouses a laissez faire policy, which caused no one to object when a product manager dated one of his first-line engineers (49:70).

Although the above examples suggest a wide range of company policies toward male-female romance in the workplace, a few common themes run throughout the industry. According to Gray, in earlier times the only firm policy dictum was "don't date your secretary," but as more women entered the management structure a wide range of policies and attitudes

evolved. Gray found that official company policies concerning office romance usually reflect a hands-off attitude, unless the relationship involves sexual harassment or affects job performance. However, most companies do formally prohibit married couples from working with or for each other. Gray discovered that informal company policies are more restrictive, tending to prohibit office romances involving already-married employees or personnel whose jobs have an impact on each other (49:70).

Formative Aspects. In a 1977 study, Quinn attempted to identify and explain the organizational and individual factors that encourage the formation of male-female relationships within a work group. He found that job proximity was the number one contributor. In other words, persons whose jobs were located close together or involved frequent interactions were more likely to develop romantic relationships. A second factor involved, what Quinn described, perceived motives. He theorized that powerful men often fulfill a need to prove their success by wooing and capturing an attractive woman. Usually these relationships involved a male manager with a lower-level woman--48% of the cases involved relationships with secretaries and 26% with other direct subordinates. Finally, Quinn determined that an organization's culture and norms have a major impact on the formation of office romances (94:34-36). He discovered that some organizations have explicit rules against fraternization while others have "unexpressed expectations that mediate against romantic involvement" (94:36). All these factors work together to either encourage or deter the development of male-female personal relationships within an organization.

Negative Impacts. In her study of romantic relationships involving management personnel, Collins found that such relationships often disrupt

an organization's structure and power alliances. As evidence, Collins described several actual situations where a "love relationship" led to disastrous consequences for the work groups involved. Collins feels that four sociological factors are increasing the incidence and impact of male-female "fraternization" in the workplace. These are: 1) more women are entering the workplace, especially in management positions--so not just secretaries will be available for relationships; 2) when a relationship is discovered, women will not "leave quietly" as so often happened in the past, thus increasing the potential for disruptive incidents; 3) more working women have jobs equal in status to men, increasing the potential impact of an on-the-job relationship; and 4) middle aged men are increasingly attracted to "company women" who won't pull them away from the job. Collins argues that these factors combine to make fraternization a significant threat to today's business organizations (24:142-145).

In another study, Quinn also concluded that romantic relationships between co-workers were generally harmful to an organization. In an evaluation of over 100 cases, he found that one-third of the relationships resulted in increased gossip and perceptions of favoritism among other employees while another third produced even more more disastrous consequences, including "complaints, hostilities, and distorted communications" (94:42). Quinn used this case to illustrate the negative impact of an organizational romance:

As a university administrator in a large nonacademic division became involved with a very competent and aggressive secretary, he delegated authority to her and she soon was in conflict with the four men who reported directly to her boss. What had once been known as an exemplary organization was racked with intense hostility. Afraid to approach their boss

about the romantic relationship itself, the four department heads tried several times to expose his secretary as incompetent. When the administrator turned a deaf ear to their complaints, they began to spend hours complaining to each other, and then to people outside the division. Decision processes practically ground to a halt and complaints from students increased dramatically [94:43-42].

Besides hurting the organization, Collins discovered that workplace fraternization often adversely affects the participants in the relationship. Her study shows that women usually bear the brunt of supervisory and co-worker reprimand after a romantic relationship is revealed, and often respond with hostility or depression. If dismissed, a woman frequently feels guilty for destroying the career that they worked hard to attain. Similarly, men typically react with an out-of-control feeling and regret that their "innocent attraction caused so much organizational and emotional turmoil" (24:148-149). In addition to these negative psychological consequences, Quinn claims that participants in a relationship often experience decreased job performance. He writes:

Participants may also become less competent, making costly errors, missing meetings and commitments, being generally preoccupied, producing a lower quantity or quality of work, arriving late or leaving early, and losing the respect of others [94:39].

In summary, these studies show that a workplace romance often risks unpleasant consequences for those involved.

Fraternization in a business environment may also cause problems for workers **outside** the relationship. Collins found that coworkers often become anxious about an office romance, fearing the relationship may threaten the stability of their work area. When a worker dates "the boss," informal communication paths often suffer because fellow workers fear

their messages might get back to their superior. Additionally, subordinates may worry that their boss will lose power and influence within the organization because of the relationship (24:146-147). In another study, Dobbins and Russell found that a supervisor who showed favor towards a particular subordinate often generated feelings of inequity among other workers. Affected work groups were often characterized by "dissatisfaction, absenteeism, turnover, and decreased performance" (40:774).

Benefits of Fraternization. Although most of the literature focused on the negative aspects of workplace fraternization, some authors discovered benefits. Zaleznik noted that close, even emotional, superior-subordinate relationships often prove beneficial to an organization. He urges organizations to abandon cold, scientific management practices and develop leaders who are not afraid to interact closely with their people. Zaleznik argues that intimate, personal ties between supervisor and subordinate can produce intensely motivated organizations (143:73-74). This "atmosphere intensifies individual motivation and often produces unanticipated outcomes" (143:74). Zaleznik also notes that close, one-on-one relationships accelerate the development of the mentoring process, where a subordinate patterns his leadership development after an admired superior. He contends that participants must risk close, emotional involvement in order for the mentoring process to be successful (143:76). However, Zaleznik admits that most executives are reluctant to get involved in these close relationships due to a low "tolerance for emotional interchange" (143:78).

Organizational Responses to Workplace Fraternization. Although companies respond differently when confronting fraternization, some typical patterns have emerged. Gray found that most companies transfer

one or both employees who become romantically involved if they work within the same office or division. Generally, the employee with the least value to the company (usually the woman) is transferred, or in extreme cases, fired (49:70-71). In another study, Quinn found that organizations follow one of three routes when dealing with office fraternization. They may do nothing, especially if upper management is reluctant to get involved with matters of a personal nature. Or, they choose to take punitive action, including warnings, transfer, or termination. When a termination occurs, Quinn found that the female is twice as likely to be fired since the male generally holds a higher position and offers more value to the organization. Finally, a few organizations take, what Quinn terms, "positive actions." This happens when management confronts the couple through open discussion and counselling sessions (49:43-44).

When should higher management intervene in a romantic relationship between employees? Collins argues that management must confront couples whenever one or both members hold a position of responsibility (have subordinates assigned to them) within the organization. Senior management must resist a temptation to ignore the situation since this may, in Collins' view, allow the relationship to further damage the organization. Collins urges superiors to act quickly and confront couples as soon as a relationship is uncovered. In resolving the situation, management should "protect the interests of the corporation and preserve the careers of the two people if possible" (24:149).

Collins offers four guidelines for managers who counsel employees involved in a romantic relationship. First, managers should treat the relationship as a conflict of interest. They must show subordinates that, to the



company, the relationship is a business problem, not a romance issue. Next, superiors should advise the couple to seek outside help. Neutral counselors can help the couple understand how their relationship might hurt the organization. Third, the least essential person must be transferred or terminated. In deciding who to remove, "the simple fact is that for the business purposes, the most valuable person ought to stay, and in today's organization, considering seniority and time as investments, that person is probably the man" (24:15). As a final step, Collins recommends that management help the terminated employee find a job. This gesture will help eliminate guilt feelings within the organization. Collins' case study research supported these four guidelines as a sound approach for handling fraternization in a business organization (24:152).

Summary. This section reviewed several studies of fraternization in the business community. The five studies examined company policies toward fraternization, formative aspects, negative and positive impacts, and finally, actual and recommended responses to fraternization in the workplace. Although fraternization is not confined to male-female relationships, most of the civilian studies focused on this aspect of the issue. Some of the research suggested advantages to close relationships in the work environment, but most of the literature emphasized the negative effects these relationships can have on an organization. As a final note, most of the articles did not limit their definition of fraternization to superior-subordinate relationships, but stressed that intimate relationships between **peers** can also damage an organization. Remarkably, this view is stricter than the Air Force position.

## Attitudes Towards Fraternization: A USAF Survey

Survey Design. In 1984, as part of an Air University research report, Lt Col Carl Canter conducted a survey of Air Force members to collect and evaluate perceptions of the fraternization issue. This one-of-a-kind study produced the only extensive review of Air Force member attitudes towards fraternization. Canter surveyed over 290 officers and NCOs, all students at Air War College, Air Command and Staff College, Squadron Officer School, and the Senior NCO Academy. He reasoned that these three groups represented the "cream of the crop," persons who would dictate and implement future fraternization policy. Canter admits that his survey was not scientifically conducted, and therefore, produced results of limited usefulness; however, his research at least begins to describe some commonly held attitudes towards fraternization. Canter's questions covered these four areas: 1) defining fraternization; 2) personal experience with fraternization; 3) interpretations of Air Force policy; and 4) future policy direction (17:9-12). The survey results are summarized below.

Defining Fraternization. Respondents differed when describing what situations generally constitute a fraternization violation. For instance, senior officers expressed the view that **all** officer-enlisted dating relationships constituted fraternization, while junior officers and NCOs answered that only superior-subordinate dating represented an improper fraternization incident (17:19). Furthermore, most senior officers felt that fraternization had a significant negative impact on an organization while responses from the other groups proved inconclusive (17:20). All three groups stated that male-female fraternization posed a more serious threat to the Air Force than same-gender social relationships (17:22).

Personal Experience with Fraternization. Although an overwhelming majority of the three groups reported witnessing fraternization violations during their careers, they differed in their personal involvement in such incidents. Only a small percentage of senior officers admitted to dating an enlisted person. Conversely, 47% of the junior officers who had dated other military members said that they had dated enlisted persons. Moreover, 25% of all NCO respondents claimed they had dated an officer during their career. According to Canter, these results suggest that junior officers and NCOs feel less restrictions against officer-enlisted dating and may believe that the practice is generally tolerated (17:17-19).

Critique of Air Force Policy. Air Force policy was criticized by most respondents. The overwhelming majority complained that fraternization policy was not clearly described in the regulations. Also, most claimed that the policy was often applied unfairly and that violators were often left unpunished (17:24-25). Most company grade officers and NCOs argued the policy did not adequately reflect societal morals and norms. Canter remarked that this attitude was predictable for a generation who tends to view fraternization policy as contradicting the progressive social reforms witnessed in the 60s and 70s (17:26). Regarding training programs, senior officers and NCOs judged current fraternization training as totally deficient while junior officers were mixed in their critique of the training process (17:21). Finally, all groups agreed the Air Force should change existing fraternization policy (17:27).

Policy Recommendations. A significant majority of all groups felt some degree of fraternization restrictions were required. Only a few respondents felt the Air Force should "abolish all rules restricting socializa-

tion of officers and enlisted personnel" (17:28). The main area of disagreement centered around the concept of supervisory relationship. All groups felt that future policy should specifically prohibit officer-enlisted personal relationships whenever a supervisory relationship was involved. However, when a potential officer-enlisted relationship involved members without a duty connection, policy recommendations varied. Most senior officers answered that future policy should prohibit **all** officer-enlisted dating/social relationships, regardless of whether or not a supervisory relationship exists. Junior officer and NCO responses varied significantly on this point and Canter was unable to detect a prevailing position (17:27-28).

Research Conclusions. As a result of his survey, Canter reached several conclusions regarding attitudes toward fraternization policy. First, Air Force members are dissatisfied with current policy and are ready for a change. He urged that any new policy "focus on supervisory and command relationships as a key for developing guidelines restricting socialization between officer and enlisted personnel" (17:31). Additionally, the policy must provide guidelines for relationships that take place outside the chain of command. Next, he notes that senior officers generally project a "hard line" approach to fraternization policy which may portend a more restrictive policy in the future. Yet, he feels the more liberal position of younger officers and enlisted persons will provide a moderating influence. Canter concludes with a call for more research in the area (17:31-33).

### Conclusion

This review of the literature focused on four areas related to the subject of fraternization policy in the U. S. Air Force. First, a chronological

history of fraternization policy in the military described the origin of the custom and explained how events during the past forty years have made the subject a significant issue in today's Air Force. The next section demonstrated how cultural and demographic factors, such as the introduction of women into the Air Force, have combined to increase the desire and opportunities for more personal relationships between service members of different ranks. Next, the review focused on private industry research, examining the effect of fraternization and romantic relationships on the workplace. Although the results were mixed, many of the studies found negative impacts when intimate relationships were allowed to continue unchecked. Finally, the review concluded with an analysis of Canter's attitudinal survey of Air Force fraternization policy. His research discovered that senior officers, junior officers, and NCOs differ in their interpretation of present policy, but all agree that current guidelines are not clear enough and require further clarification and explanation.

The next chapter describes the methodology this author employed to examine and clarify present-day Air Force fraternization policy.

### III. Methodology

#### Research Process

Several of the previously listed investigative questions were designed to answer the research question "What is the current Air Force policy towards fraternization?" Therefore, the initial stage of the research sought to identify the important sources of that policy. A preliminary review of the literature combined with several semi-structured interviews with legal experts was initiated to pinpoint these various policy sources. Several categories of data were identified, including regulations, policy directives, court cases, civil law opinions, and professional military school curricula. The research effort then focused on collecting and analyzing the written documents that comprised each of these policy categories. While collecting this written data, the researcher conducted interviews with experts familiar with each information source so as to strengthen the interpretation and analysis of the data. These interviews were semi-structured, allowing the "expert" to freely offer supplemental information that often provided insight into the intent behind the policy documents. The following briefly describes the various data sources investigated during the research.

Data Sources. The first policy sources analyzed were DOD and Air Force regulations and directives. According to Lt Col Jones, Military Law Director at the Hq MAC JAG office, any examination of Air Force fraternization policy should begin with a review of AFR 30-1, Air Force Standards, and Article 134 of the UCMJ which both contain basic policy information. AFR 30-1 provides general guidance while Article 134 discusses criminal prosecution of fraternization (61). The literature also identified other regu-

lations that provide inputs to the policy. These regulations covered a variety of topics including housing, open mess, assignment, separation, and intramurals, and all provide insight as to what the Air Force deems proper in relationships between officers and enlisted (38:1). Other policy directives consist of official letters and point papers maintained by the Human Resources Development Division at Hq USAF (8). During the research process, the above regulations and directives were located and analyzed. A close liaison was maintained with the Human Resources Development Division at the Pentagon to obtain accurate policy interpretations. Also, interviews were arranged with high-level legal, housing, open mess, personnel, and MWR officials to gain accurate interpretations of the various regulations.

Besides regulations and directives, court cases provided another valuable source of policy information. Several cases were analyzed to determine how the courts have interpreted various fraternization policies and directives. West's Military Justice Reporter along with Court Martial Reports provided summaries of the various cases that had been appealed to either the service's Court of Military Review or the U. S. Court of Military Appeals. The legal search began with U. S. v. Johanns, indicated by several JAGs as a landmark case for Air Force fraternization policy (109). Next, the legal cross-referencing system known as "shepherding" helped identify and locate over twenty court cases that offered insight into Air Force fraternization policy. Since court cases only cover fraternization violations punishable as a crime (57:2-3), the research also examined source documents describing the various situations where administrative punishment (Article 15s, letters of reprimand, etc) was appropriate. Civil Law Opinions

of the Judge Advocate General USAF (OPJAGAF) provided summaries and interpretations of important civil actions (80) and were used extensively to determine the Air Force's use of administrative tools to deal with violations. To aid in the interpretation of court reports and legal issues, the researcher consulted frequently with JAGs at both the Wright-Patterson AFB legal office and Hq USAF/JA. Furthermore, structured interviews were conducted with various JAGs to obtain explanations of the options available to commanders when dealing with fraternization offenders.

The curriculum of the various Professional Military Education (PME) and commissioning schools provided a final source of fraternization policy (14). During this phase of the research, points of contact were established with the curriculum divisions of the following programs: Air Force Academy (USafa), Reserve Officer Training Course (ROTC), Officer Training School (OTS), Air War College (AWC), Air Command and Staff College (ACSC), Squadron Officer School (SOS), Senior NCO Academy (SNCOA), Basic Military Training School (BMTS), Lieutenant's Professional Development Program (LPDP), and Human Relations Education Training (HRET). The researcher obtained course materials, lesson plans, and readings on fraternization from each school. Also, semi-structured interviews with course directors were conducted to determine what fraternization policy information was being presented and what changes were on the horizon. This was an important source of information, since many Air Force personnel have obtained much of their information on the subject from these schools.

Data Organization. After the policy information had been collected and analyzed, the next step was to put the data into a useful form. The



information was organized topically in a matrix format so that each fraternization issue could be cross-referenced with its appropriate source document. Not only did this help better organize the research process but it proved useful in the development of a format for the fraternization policy booklet. The matrix also helped identify sources that provided overlapping or contradictory inputs to fraternization policy.

Policy Booklet Development. After collecting, analyzing, and organizing the data, the research process was essentially complete. All that remained was to produce an end product, a policy booklet, that commanders could use to educate themselves and their people on Air Force fraternization policy. This casebook was prepared using guidelines furnished by squadron commanders and JAGs during the exploratory interviews conducted early in the research process. As recommended by one commander, the booklet was kept concise and provided hard data from various court cases and regulations (10). In accordance with another guideline, the booklet was organized topically along issue areas such as officer-enlisted dating, club visitation, marriage, etc. (139). The booklet pulls together all the sources that comprise fraternization policy and summarizes that policy into one, concise document. Also, the booklet provides references to source documents for more detailed policy information. Capt Nasuti, a MAJCOM-level JAG, pointed out a potential hurdle in preparing the booklet. He warned that any summarization of policy was unlikely to be neutral and would probably reflect some bias on the part of the author (80). The author employed the following validation method to minimize potential bias.

Booklet Validation. The policy booklet was evaluated and validated by seven sources external to the research effort. First, four JAGs at

MAJCOM level or higher with knowledge of the fraternization issue were asked to critique the booklet for its accuracy and completeness. Next, two commanders with operational experience judged the work for its usefulness and were asked to recommend changes in format or content. Finally, the booklet was submitted to Hq AF/DPPH (Human Resources Development Division) for final approval. The booklet was revised in accordance with the suggested changes and is attached as Appendix A to this thesis. Figure 1 summarizes the overall methodology employed in the study.

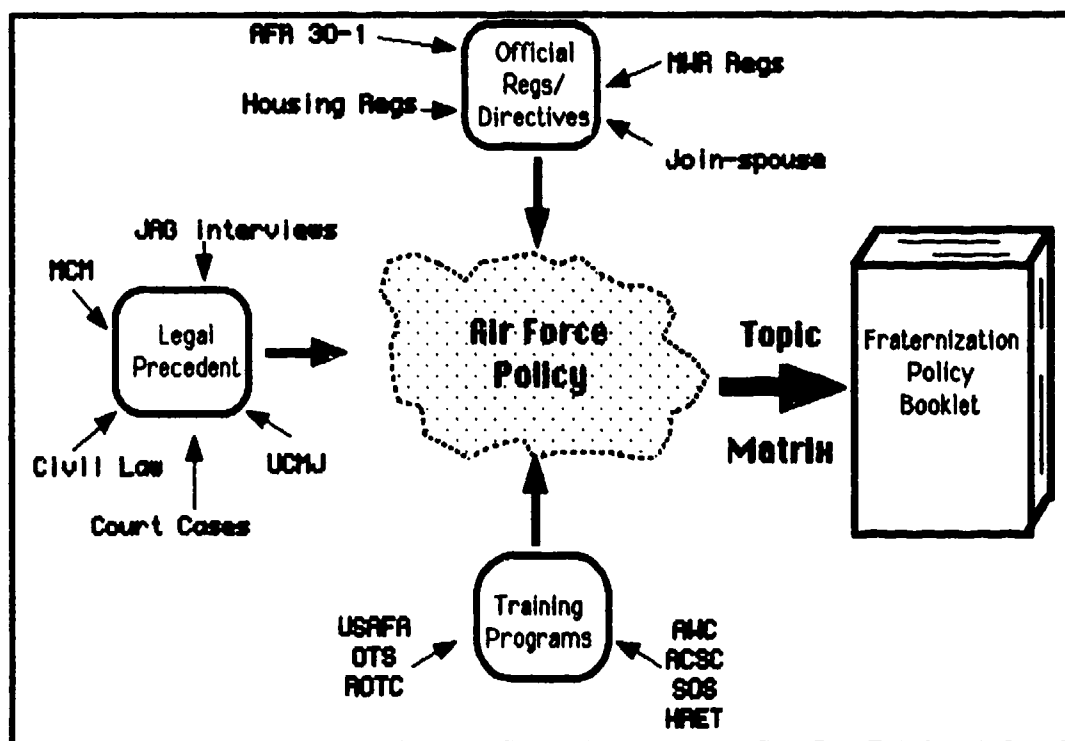


Figure 1. Thesis Research Overview

### Methodology Issues

Interviewing. Personal and phone interviews played a key role in the interpretation of written policies during this research effort. The inter-

viewing technique offered various advantages and disadvantages when compared to other data collection methods. One advantage was that interviewing allowed the collection of in depth, detailed information in a subject area. Through careful probing and observation during the interview process, the researcher improved the quality of information obtained. Also the interviewer was able to closely control the interview situation and lessen the impact of distracting influences (11:160-161). Unfortunately, the interview process may have introduced a serious response error in the form of interviewer bias. A biased interviewer can easily distort information with "inappropriate suggestions, word emphasis, tone of voice, and question rephrasing" (42:167). During this research effort, the author was aware of the potential for this bias and strove to maintain objectivity during all interviews. Although the actual extent of interviewer bias is unknown, this thesis assumes that it was negligible and had an insignificant impact on the results.

Research Problems. The research process identified two problem areas. First, in collecting and analyzing a large number of court reports and official documents, personal bias may have lead the researcher to incorrectly screen out relevant materials or, on the other hand, emphasize directives that were irrelevant or outdated. To offset this tendency, the research relied heavily on interviews with experts in each field to insure that documents were interpreted, weighted, and reported accurately. Also, the researcher worked closely with officials at Hq AF/DPPH, the Pentagon office responsible for fraternization issues, to obtain official guidance on policy questions. A second problem area involved the collection and interpretation of court cases. One JAG warned that it would be difficult to find

information on smaller court cases that had not been appealed to higher courts (102). Others cautioned that any court case would have to be interpreted carefully since later rulings could easily invalidate a decision. Maj Barton, Chief of Military Affairs at ATC headquarters, stated that a layman researcher could overcome these obstacles by working closely with a legal officer when analyzing and interpreting court decisions (14). During this thesis effort, the researcher frequently sought advice from JAG officials at the Wright-Patterson AFB legal office. All questionable areas were resolved through close consultation with the legal experts.

#### IV. Analysis of Current Air Force Fraternization Policy

The purpose of this thesis was to answer the research questions posed in Chapter 1: What is the present Air Force position towards fraternization as determined by various policy sources and how might this information be effectively presented in a fraternization "policy booklet" for commanders and other personnel? This chapter answers these questions by presenting and analyzing information from the many sources of fraternization policy and by describing the research process used to integrate that information into one independent document: the fraternization policy booklet. The chapter covers four major areas: 1) official regulations and directives, 2) fraternization policy from a legal perspective, 3) the fraternization training program, and 4) integration of policy information.

##### Official Regulations and Directives

A careful analysis of several regulations, directives, and policy letters provided a detailed picture of the Air Force's position towards fraternization. The research focused on three main areas: 1) general policy, 2) housing and MWR regulations, and 3) assignment/separation policy for officer-enlisted married couples. Within each area, several regulations, along with other official policy sources, were studied to determine their specific contribution to overall fraternization policy. This section summarizes the important information found within each of these documents.

##### General Policy.

AFR 30-1, Air Force Standards. The "Professional Relationships" section within AFR 30-1 offers more guidance concerning fraternization

policy than any other Air Force document. It presents both general philosophy and specific policy information. Part "A" discusses officer-enlisted fraternization, stressing at the outset that "professional relationships are essential to the effective operation of the Air Force" (37:18), especially within **supervisory** situations. The regulation then introduces the concept of fraternization:

There is a long standing and well recognized custom in the military service that officers shall not fraternize with enlisted persons under circumstances that prejudice the good order and discipline of the Armed Forces of the United States [37:19].

No explanation of the terms "fraternize" or "good order and discipline" are provided.

Part "B" turns to superior-subordinate relationships and advocates a balanced approach to social relationships between supervisors and their direct subordinates. "Social contact contributing to unit cohesiveness and effectiveness is encouraged;" however, caution must be exercised ~~anytime~~ <sup>anytime</sup> one member supervises or is in a position to influence the duties/assignments of the other (37:19). According to the regulation, in supervisory circumstances, personal relationships must not give the **appearance** of "favoritism, preferential treatment, or impropriety" (37:19). Additionally, individuals may not become involved in any real or perceived "excessive socialization or undue familiarity" (37:19). The regulation notes that this professional superior-subordinate relationship applies both on and off duty.

Part "C" describes general relationships between grades. It requires individuals of different ranks to demonstrate "mutual respect, dignity, and

military courtesy" (37:20). The regulation concedes that "social and personal relationships are normally matters of individual judgment" unless they "adversely affect duty performance, discipline, and morale" (37:20). With regard to first name usage, 30-1 advises, "A senior may address a subordinate by his or her first name; however, it is inappropriate for a subordinate to communicate in such an informal manner" (37:11).

AFR 30-1 offers two examples of social situations that might be of official concern: an "officer who consistently and frequently attends other than officially sponsored enlisted parties" and a senior Air Force member who "dates and shows favoritism and preferential treatment to a junior member" (37:20). The regulation warns that these situations could hurt unit cohesiveness by negatively impacting authority, peer group relationships, job performance, or unit morale. (37:20).

The regulation also offers guidance concerning open mess visitation policies. It states that officers and enlisted persons are normally use only their own clubs; however, they may visit each other's clubs as invited guests during officially sanctioned functions. Individuals must be in uniform during these events (37:18). The regulation implies that officers and enlisted persons may not use each other's clubs under any other circumstances.

According to Capt Sanville, OPR for AFR 30-1 at the Military Personnel Center (MPC), the regulation was currently under revision; however, no significant changes were planned for the fraternization section. Capt Sanville sensed that Air Force senior officers are generally content with the policy as expressed in 30-1. She states that a future version will not provide more specific policy guidance but will offer a broad, generally-

worded standard, similar to the current regulation. Sanville predicts the Air Force will encourage commanders to creatively exercise their personal leadership techniques to solve fraternization problems (98).

Hq USAF/MP Letter. On 10 September 1985, Lt General Duane Cassidy, Deputy Chief of Staff for Manpower and Personnel, sent a letter entitled "Fraternization and Professional Relationships" to all Air Force commanders. The letter stressed that the custom against officer-enlisted fraternization was an "effective and needed tradition" that must be upheld by all Air Force members. Cassidy also pointed out that "fraternizers" may be criminally prosecuted anytime a "command or supervisory relationship exists," the "relationship is pressured," or the "relationship is prejudicial to good order and discipline" (20:1). Overall, the policy letter affirms the importance of the fraternization custom but offers little guidance as to what specific social relationships are prohibited.

Hq USAF/MPX Letter. Maj General Thomas Baker, Director of Personnel Plans, also authored a fraternization policy letter in 1985. Like Cassidy, his letter to Air University schools and commissioning sources emphasized that professional relations between officers and enlisted persons are an important aspect of military custom and tradition (11:2). Also, the letter appeared to frown upon officer-enlisted marriages, stating that these "mixed marriages" were a major concern (11:1). In short, Baker's letter stressed the importance of the fraternization custom and indirectly discouraged officer-enlisted marriages, without offering further guidance concerning officer-enlisted social relationships.

Hq USAF/DPXHL Issue Paper. A 1986 Air Staff issue paper, entitled "Professional Relationship Policy," provided some policy insight by



defining the terms "fraternization" and "professional relationships." The paper states that "fraternization" is an improper **officer-enlisted** social relationship punishable as an Article 134 offense under the Uniform Code of Military Justice (UCMJ). According to this policy source, inappropriate relationships between two officers or two enlisted persons is not fraternization, but instead should be referred to as an "unprofessional relationship" (55:2). Capt Richard Tavares, Chief of Human Relations Education at the Air Staff, confirmed that **fraternization** currently only applies to officer-enlisted relationships but cautioned that "unprofessional relationships" between two officers or two enlisted persons may also prove damaging (105).

TIG Brief Article. A final source of general policy guidance on fraternization and unprofessional relationships was found in a 1986 TIG Brief article titled, "Fraternization is Prejudicial to Good Order." In this article Brig General David Reed urged Air Force members to engage in only **professional** relationships with each other, because other, more personal relationships were risky and could jeopardize careers. Reed encourages officer-enlisted socializing at work-related functions, but states that off-duty socializing where officers are just "one of the boys" tends to threaten authority and is prohibited. With respect to dating, Reed suggests that these intimate relationships may cause problems anytime the two individuals are of a different rank. Unlike the Air Staff, Reed's definition of fraternization "is not limited to officer-enlisted relationships" (95:16), but extends to the officer-officer and enlisted-enlisted cases as well. Finally, the article contends that fraternization may be criminally prosecuted anytime a relationship compromises the chain of command, presents an

appearance of partiality, or "undermines order, discipline, authority, or morale" (95:16).

Assignment/Separation Policy for Officer-Enlisted Married Couples.

Currently, the Air Force permits officers to marry enlisted persons and, in the past, has commissioned one member of an enlisted couple to create a "mixed marriage." One important dimension of the Air Force's fraternization policy concerns the treatment of these couples. This section reviews the Air Force policy towards 1) join-spouse assignments for officer-enlisted couples and 2) the opportunities for one member of these "mixed marriages" to separate from the Air Force.

AFR 36-20/39-11, Officer/Enlisted Assignments. These two regulations were studied to determine whether the Air Force treated officer-enlisted couples differently from other join-spouse couples during the assignment process. Analysis showed that the regulations afforded no special distinction or treatment to these couples (36; 30). An interview with MSgt Daniel Vasquez, NCOIC of the Assignment Policy Branch at MPC, confirmed that the Air Force does not discriminate against mixed marriage couples when making assignments. He stated that **all** join-spouse assignments are based on Air Force requirements, the needs of the Air Force, and the couple's desires, in that order of priority. MSgt Vasquez added that the Air Force usually gives priority to one member of the join-spouse couple when determining the assignment. For officer-enlisted couples, this priority usually goes to the officer, who typically has received a greater investment in training dollars (133).

Although officer-enlisted couples appear to be treated no differently than other military couples, Air Force regulations 36-20 and 39-11 prohibit

the assignment of family members "to the same unit or function where one member will or may hold a command or supervisory position over another family member" (36:64). Through this policy, the Air Force implies that close, personal relationships are not compatible with a supervisory relationship. The regulations claim the resulting perception of familiarity could cause a breakdown in the chain of command. The policy applies equally to officer-enlisted, officer-officer, and enlisted-enlisted married couples. As required in the regulation, MPC will direct reassignments or Air Force Specialty Code (AFSC) changes to prevent this situation from occurring (36:64). In summary, the Air Force does not appear to discriminate against officer-enlisted married couples during the assignment process, but does insure that such couples are not assigned to the same unit.

AFR 36-12/39-10, Administrative Separation of Officers/Airmen. If the Air Force truly objected to officer-enlisted marriages, one might expect the service to provide easy avenues for one member to voluntarily separate from the service. AFR 36-12 and 39-10, the regulations which govern administrative separations, contain no specific provision for the voluntary separation of airmen who marry officers or vice versa. Instead, individuals must apply under the "miscellaneous category." This category requires members to "have statements substantiating the fact that their reasons are unique or unusual and that separation will not be contrary to the best interest of the Air Force" (35:39). Applications are considered on an individual basis and are "not approved unless it is established that separation will be in the best interest of the Air Force" (35:40). Unfortunately, the regulations do not speculate how these criteria apply to officer-enlisted married couples.

Mr. Jim Jones, chief of Enlisted Separation Policy at MPC, stated that the Air Force routinely separates enlisted members of officer-enlisted marriages who voluntarily apply through the miscellaneous category. He observed that many enlisted spouses feel their separation will benefit both their spouse's career and the Air Force. In deciding whether to approve these separations, MPC analyzes the training dollars already invested in the individual, their expected return, and whether or not the couple is assigned to the same installation. In most cases, the Air Force approves the requests (59). According to Capt Neal Saffingfield, Chief of Officer Separations at MPC, officers rarely apply for separation under these circumstances. Generally, it is the enlisted partner of the officer-enlisted marriage who decides to separate (97). These separation policies seem to imply that, although the Air Force does not specifically prohibit officer-enlisted marriages, it does facilitate the voluntary separation of enlisted members involved in these relationships.

Housing and MWR Regulations. Policy guidance concerning the relationships between Air Force members of different ranks was also found within regulations that dictate housing policy and MWR activities. These sources, to varying degrees, reinforced the notion that the Air Force desires to restrict officer-enlisted social relationships. The following section provides an analysis of the appropriate regulations as clarified by interviews with policy experts in each area.

AFR 90-1, Family Housing Management. Through its on-base housing policy, the Air Force has sought to limit the off-duty social interaction between officers and enlisted men. AFR 90-1 requires separate officer and enlisted housing areas at all Air Force installations. Even temporary

redistributions of housing assets require base commanders to insure that separation of officer and enlisted families will exist (31:11). The regulation clearly states that "at no time will officers be offered enlisted housing or vice versa" (31:21). Furthermore, enlisted persons who receive officer commissions while living in family housing are required to move, at the government's expense, to an officer housing area (31:34). Elaine Owens, Base Housing Manager at Wright-Patterson AFB, Ohio, claims this policy is strictly enforced at the local level. She states that Air Force policy demands total officer-enlisted separation within family housing areas (92).

Analysis of the housing regulation also provided insight into the Air Force position towards officer-enlisted marriages. According to AFR 90-1, officer-enlisted couples are authorized to live in either officer or enlisted housing areas (31:26). Members are encouraged to choose the area most advantageous to their personal situation (92). By not requiring these couples to live off-base, the policy seems to mildly endorse, or at least tolerate, "mixed marriages."

AFR 215-11, Air Force Open Mess Program. This regulation was studied to determine the Air Force's stance towards officer-enlisted socializing within open mess facilities. According to Chief MSgt James Carter of the Open Mess Branch at MPC, AFR 215-11 does not offer complete guidance in the area and must be combined with AFR 30-1 to understand the total policy picture (18). As stated previously, AFR 30-1 prohibits officers and enlisted persons from being guests at each others clubs except during officially sanctioned social functions. During these functions, guests must limit their access to areas where the function is being held, restrooms, and adjoining passages (32:10). AFR 215-11

requires base commanders to enforce this policy by ensuring "that professional relationships are maintained and that open mess policy is according to AFR 30-1" (32:22). According to one source, the policy is generally enforced at the local level (43).

Although restricting officer-enlisted contact within these facilities, the Air Force grants an exception for "mixed marriage" couples. AFR 215-11 permits "non-eligible" members to use open mess facilities if they are accompanied by their spouse and are wearing civilian clothes. However, both individuals must be in uniform for official functions (32:8). This policy parallels the on-base housing restrictions. Both policies appear to mandate officer-enlisted separation during off-duty time, but grant a special exemption for officer-enlisted married couples.

AFR 215-11 also offers guidance on the appropriateness of joint open mess facilities for officers and enlisted persons. In the past, some have predicted that joint open mess facilities, where officers freely socialize with enlisted persons, would eventually become commonplace. To the contrary, AFR 215-11 emphasizes that separate officer and NCO clubs will continue to be the norm at most Air Force installations. The regulation does allow the construction of Open Mess Complexes (OMCs), facilities where **separate** officer and enlisted clubs are housed in the same building. These facilities share kitchens and other service areas, but require separate member areas and entrances, and prohibit access between the two facilities (32:6).

Another type of open mess arrangement, the Consolidated Open Mess (COM), is only permitted in small population areas when separate facilities are personally determined impractical by the MAJCOM commander. These

facilities resemble "all-ranks clubs" but require separate bars and dining rooms (if possible) for officers and enlisted persons. According to AFR 215-11, "in the interest of recognizing the appropriateness of professional relationships" (32:5), such facilities will rarely be approved. The regulation requires that different color club cards be issued to officers and enlisted persons at COMs in order to enforce separation between the ranks (32:5). According to Chief MSgt Carter at MPC, these "all-ranks clubs" are highly discouraged at the senior officer level because of the potential for fraternization. At present, official policy discourages their approval anywhere, regardless of the circumstances (18). Apparently, the Air Force wishes to maintain total officer-enlisted separation within service clubs. Joint socializing at these facilities will not take place in the near future.

AFR 215-1, Air Force MWR Programs and Activities. Although Air Force policy discourages officer-enlisted contact within open messes, research showed that the service endorses the joint use of other MWR facilities such as golf courses, bowling alleys, snack bars, hobby shops, and chapels. AFR 215-1 states that

social contacts among all ranks which constitute unit cohesiveness and the Air Force "way of life" are encouraged within MWR facilities as long as appropriate professional relationships based on mutual respect and military courtesy are maintained [33:4].

The regulation does not restrict officer enlisted contact within a MWR facility or during any officially sponsored activity. However, as indicated above, officers and enlisted persons are required to maintain professional relationships during these functions (33:4). This policy seems to imply that

the Air Force sees no harm in casual socializing between individuals of different ranks during officially sponsored recreational activities.

AFR 215-22, Air Force Sports Program. One of the greatest opportunities for officer-enlisted social contact occurs during intramural sports activities. Typical teams are composed of both officers and enlisted persons from the same unit. AFR 215-22 does not address the fraternization issue and provides no guidance on the proper conduct of officer-enlisted relationships during intramural activities (34). According to Mr. Steve Dukoff, Sports and Fitness Director at MPC, professional relationship policy during athletic events is the responsibility of individual base or unit commanders. At the base level, the Air Force takes a hands-off approach, allowing individual commanders to set their own policies regarding first name usage and socializing during athletic events. However, for Air Force level teams, team captains are routinely briefed on the importance of requiring professional relationships among their team members at all times (41).

Summary. The Air Force has issued several regulations and letters which provide varying degrees of policy guidance concerning fraternization between service members. Although a few specific activities and relationships are addressed, for the most part, the Air Force has chosen to issue general directives and leave specific interpretation to individual commanders and service members. The next section analyzes fraternization from a legal viewpoint, discussing how judicial decisions have played an important role in establishing fraternization policy.



## Fraternization Policy from a Legal Perspective

A complete understanding of the Air Force's fraternization policy must include a view from the legal perspective. Military custom, the UCMJ, military court decisions, and administrative actions have all played important roles in defining and enforcing a policy against fraternization. This phase of the research effort was conducted within the military law library at Wright-Patterson AFB, Ohio. When necessary, interviews were conducted with base, MAJCOM, and Hq AF level Judge Advocate General (JAG) officials to clarify complex legal issues.

Custom. As stated in AFR 30-1, there is a custom in the military service which prohibits fraternization between officers and enlisted persons under some situations (37:19). According to one legal reference for Air Force JAGs, military custom has historically supported a separation between officers and enlisted persons. This custom evolved in the U. S. military to prevent the erosion of discipline and authority that might accompany undue familiarity between the ranks. As an added benefit, the custom afforded officers and enlisted persons the opportunity to enjoy their leisure time away from each other, unburdened by the formal requirements of the command structure. The custom has been institutionalized through separate quarters and clubs, and through the observance of various courtesies and formalities among the ranks (78:946).

In the military, a valid "custom" carries the force of law. Violations may be prosecuted under Article 134 of the UCMJ, as conduct prejudicial to the good order and discipline of the service (70:156). Article 134 provides an excellent description of "custom" and its legal ramifications:

In its legal sense, "custom" means more than a method of procedure or a mode of conduct or behavior which is merely of frequent or usual occurrence. Custom arises out of long established practices which by common usage have attained the force of law in the military or other community affected by them. No custom may be contrary to existing law or regulation. A custom which has not been adopted by existing statute or regulation ceases to exist when its observance has generally been abandoned [27:Sec IV,109].

As stated above, custom may not substitute for an existing law or regulation and is most applicable when the existing "written law is silent or quite obscure" (141:42) about a particular issue. Other sources list additional requirements for an **enforceable** military custom:

1. Not contrary to existing statute or regulation (27:Sec IV,109)
2. If not adopted by regulation, be frequently practiced and observed (27:Sec IV,109)
3. Well-defined and explicitly stated (141:43)
4. Equitably and uniformly applied (141:43)
5. Apply to an entire branch of service, not just an individual unit or command (141:43)

Failure to meet any of these criteria will render a custom invalid and unenforceable within the military justice system (141:43).

As discussed previously, the Air Force insists that the custom against fraternization continues to be valid and enforceable. Yet, some JAGs have argued that fraternization policy is invalid because it no longer meets the five criteria established above (103). Furthermore, the Air Force Court of Military Review reached a similar conclusion in the landmark fraternization case of U. S. v. Johanns. This issue will be discussed in detail later in the chapter.

UCMJ Articles. In the military, fraternization is punishable as either a criminal or administrative offense. If prosecuted criminally, the offense is normally charged under Article 134 (the General Article), Article 133 (Conduct Unbecoming an Officer), or Article 92 (Violation of an Existing Regulation) of the UCMJ (73:566). A careful review of these articles provided much insight into the nature of fraternization policy from a military justice perspective. This perspective views fraternization as a **crime**. However, not all relationships which are deemed improper by Air Force policy could be successfully charged as a criminal offense under the UCMJ. Criminal prosecution of fraternization requires evidence of specific harm to the Air Force caused by a personal relationship (103). Therefore, it is important to realize that fraternization, as defined criminally, represents only one portion of the entire policy picture.

Article 134. Fraternization offenses, when criminally prosecuted, are most frequently charged under Article 134 of the UCMJ. Commonly referred to as the General Article, Article 134 includes a special section (specification) which outlines the nature of the fraternization offense. In its explanation of fraternization, Article 134 states that **circumstances** determine whether a particular course of conduct amounts to a violation. Important factors to consider include whether the relationship took place within the chain of command, the presence of any perceived or actual partiality, or evidence that the relationship undermined good order, discipline, authority, or morale. Borrowing wording from the U. S. v. Free case, the article provides a general test for determining whether criminal fraternization has occurred.

The acts and circumstances must be such as to lead a reasonable person experienced in the problems of military leadership to conclude that the good order and discipline of the armed forces has been prejudiced by their tendency to compromise the respect of enlisted persons for the professionalism, integrity, and obligations of an officer [27:Sec IV,127].

According to one Hq AF level JAG, it is not difficult to prove that an officer's actions compromised "the respect of enlisted persons." Normally, the testimony of a single enlisted person that an officer's actions or involvement in a particular relationship lowered his standing in the eyes of subordinates would be sufficient to substantiate the offense (137).

Article 134 lists five elements that must be proven beyond a reasonable doubt in any fraternization prosecution. **First, the accused must be a commissioned officer** (27:Sec IV,126). Although Article 134 states that only officers may be charged with fraternization, an appendix to the MCM modifies this position and states that under some circumstances NCOs may be charged for fraternizing with their subordinates (27:Sec A21,101). Military courts have upheld this position, ruling in U. S. v. Carter that "enlisted fraternization offenses are punishable under Article 134, UCMJ, if they occur under service discrediting or discipline prejudicing circumstances" (114:685). Despite these rulings, official Air Force policy allows only **officers** to be charged with fraternization under Article 134. According to Lt Col Wilder, Personnel Actions Chief at the Hq AF JAG office, the UCMJ permits the Air Force to strictly interpret fraternization as solely an officer-enlisted offense (137).

**Second, the officer must have fraternized on terms of "military equality"**. According to one source, "military equality" refers to a situation where an officer fails to maintain a professional superior-sub-

ordinate relationship with an enlisted person. Being unduly familiar, dating, or acting as a buddy or peer are examples of "military equality" between a superior and subordinate (19:117).

**Third, the officer must fraternize with one or more persons he knew to be enlisted** (27:Sec IV,126). Again, this wording implies that fraternization is only an officer-enlisted offense; however, review courts have upheld fraternization convictions involving two officers (113:770). In addition, another section of the MCM states:

Relationships between senior officers and junior officers and between noncommissioned or petty officers and their subordinates may, under some circumstances, be prejudicial to good order and discipline. This paragraph is not intended to preclude prosecution for such offenses [27:Sec A21,101].

However, as discussed previously, current **Air Force** policy limits criminal charges to officer-enlisted fraternization. The Air Force generally requires its JAGs to treat improper relationships between two officers or two NCOs as an administrative matter (137).

**Fourth, the relationship must have violated the service's custom against fraternization** (27:Sec IV,127). This element is critical. The measuring rod in any fraternization case is the service's custom concerning fraternization (70:164). According to Lt Col Robert Stewart, Deputy JAG at Wright-Patterson AFB, this element has been a significant problem area for Air Force prosecutors. He contends that the Air Force policy of allowing officer-enlisted marriages combined with a widespread emphasis on the "human relations" approach to management, has watered down any custom against fraternization (103). These and other factors, caused the AF Court of Military Review to conclude in U. S. v. Johanns that

the custom against fraternization in the Air Force had been significantly eroded (119:867). Since this 1983 decision, the Air Force has instituted several policy changes designed to reinforce the fraternization custom. Officially, the fraternization custom is alive and well and fully prosecutable under Article 134 (137).

**Fifth, the conduct must have either "prejudiced good order and discipline" or "brought discredit upon the armed forces"** (27:Sec IV,127). The acts must be directly prejudicial to good order and discipline. Remote or indirect prejudice is not sufficient (27:Sec IV,109). In U. S. vs Stocken, the court stated that this "direct and palpable prejudice" must be easily recognizable as criminal, have a direct and immediate adverse impact on discipline, and be compatible with the context of the time (129:829). U. S. v. Lovejoy and U. S. v. Adames found that "good order and discipline" was prejudiced anytime a relationship caused enlisted persons to compromise or lose respect for the officers appointed over them (122:777; 111:468). The second effect, "discredit to the armed forces," occurs anytime a relationship brings the service into disrepute or lowers the service in the public's esteem (27:Sec IV,110).

The maximum punishment under Article 134 involves dismissal, forfeiture of all pay and allowances, and confinement for a period not to exceed two years (27:Sec IV,127).

Article 133. Article 133 of the UCMJ, Conduct Unbecoming an Officer and a Gentleman, is occasionally charged in fraternization cases. Article 133 fraternization offenses typically involve individuals who, in an unofficial capacity, engage in behavior which dishonors or personally disgraces their standing as an officer. The elements of the offense require that

1) the accused do or omit certain acts that 2) constitute "conduct unbecoming an officer and a gentleman". As used in the article, the term "gentleman" includes both male and female commissioned officers (27:Sec IV,108). A maximum punishment under Article 133 for a fraternization-type offense involves dismissal, forfeiture of pay, and confinement for two years (27:Sec IV,108).

Fraternization prosecutions under this article are not meant to imply that officer-enlisted socializing constitutes disgraceful or ungentlemanly behavior. In fact, prosecution under Article 133 should occur only when additional underlying circumstances are present that publicly disgrace or dishonor the officer. If these underlying offenses are missing, Article 133 is not applicable (73:572). Furthermore, to charge fraternization under Article 133, the relationship must have had a "demonstrable impact on the discipline, authority, and morale of the unit" (118:810).

It must be noted that Article 133 can always be used to duplicate any other charge found in the Manual for Courts-Martial (MCM). Although this "double-charging" is rare, it may be appropriate if a fraternization offense is especially notorious or demeaning to the individuals involved. Article 133 was frequently used as an interim measure to prosecute fraternization offenses between the 1983 Johanns ruling and the issuance of the new MCM in 1984 (104).

Article 92. This article is used to prosecute violations of an existing regulation or lawful order of a superior. Although rarely used in a fraternization case, the article could apply to officers who violated a command or service regulation that prohibited certain relationships with enlisted persons (163). Not all regulation violations can be prosecuted

under Article 92. The particular regulation must be directive in nature and show sufficient definition of the conduct prohibited (19:121). According to U. S. v. Rodriguez, AFR 30-1, the primary source of Air Force fraternization policy, does not meet these requirements (127:566). Therefore, violations of this regulation may not be charged under Article 92. Alternatively, violations of some command or installation fraternization regulations may be properly charged under the article. Article 92 may also be applicable in officer-officer or enlisted-enlisted fraternization cases (27:Sec IV,127).

Court Cases. Over the past forty years, military courts have tried dozens of cases involving fraternization. Several of these cases were reviewed by higher courts who provided detailed interpretations of various elements of fraternization policy. The research for this thesis identified the most important cases through a careful review of the literature, interviews with Air Force JAGs, and use of a legal cross-referencing system known as "shepherding." Although the research focused on **Air Force** fraternization policy, other service's court opinions were reviewed when the decisions had implications for all military members. The following section briefly summarizes 20 court decisions that have contributed to the current Air Force position towards fraternization.

U. S. v. Livingston. (Army Board of Review, 1952). In this case, an Army court convicted an officer for fraternization for drinking alcoholic beverages with an enlisted person in an irresponsible and inappropriate manner. The review court's opinion stated:

By long standing custom of the service, an officer shall not drink intoxicating liquor with enlisted men or wrongfully fraternize with them to the extent that the familiarity so



induced will affect or prejudice good order or military discipline [121:210].

According to one Air Staff level JAG, this opinion is still relevant in today's Air Force. Although officer-enlisted drinking is not wrong in itself, it is improper if the officer drinks irresponsibly with his subordinates and fails to maintain a professional superior-subordinate relationship (137).

U. S. v. Free. (Navy Board of Review, 1953). This landmark case provided the foundation for the current fraternization specification within Article 134 of the UCMJ (19:86). The case involved a Marine Corps officer who invited an enlisted man to his BOQ room "for drinks" and later allowed him to spend the night in his quarters. In its decision, the court conceded that it could not lay down a "measuring rod" (115:466) for determining whether or not an incident constituted wrongful fraternization. Instead, the "time, place, and circumstances of the conduct, rather than the conduct itself" (19:86) must determine its criminality. Most importantly, the court provided the first test for a proper fraternization conviction:

When it has been shown that the acts and circumstances are such as to lead a reasonably prudent person, experienced in the problems of military leadership, to conclude that the good order and discipline of the armed forces has been prejudiced by the compromising of an enlisted person's respect for the integrity and gentlemanly obligations of an officer, there has been an offense Under Article 134 [19:86].

Interestingly, the 1984 MCM uses almost identical wording in describing fraternization.

The opinion also listed several **appropriate** officer-enlisted social activities: 1) simple courtesies, 2) providing transportation, 3) eating and drinking under dignified conditions, 4) sleeping together if closely related, 5) playing on the same athletic team, and 6) dancing together at a service

dance (115:467). Conversely, the following activities were prohibited: 1) lending money, 2) giving gifts, and 3) dining together at the officers' club (19:86). Although rendered 35 years ago, the Free decision continues to provide the basis for fraternization law under the UCMJ (19:86).

U. S. v. Lovejoy. (Naval Court of Military Review, 1969). In this case, a naval officer was convicted of fraternization for sharing an apartment with an enlisted man during leave and shore duty. The two individuals served as crewmates aboard a submarine. Evidence was introduced showing the live-in relationship caused other crewmembers to lose respect for the officer. As a result, the review court upheld the conviction, arguing that the relationship prejudiced good order and discipline, satisfying the fraternization test established in U. S. v. Free (122:777).

U. S. v. Lovejoy. (Court of Military Appeals, 1970). This higher review of the same case affirmed Lovejoy's conviction and also validated the fraternization test offered in the Free case. Additionally, the court suggested that, although criminal prosecution was warranted in this case, fraternization should normally be punished through administrative actions. Justice Darren, in a concurring opinion stated:

I must record my conviction that undue familiarity between an officer and a subordinate is susceptible of correction by administrative action . . . reservations about treating this practice as a crime [123:213].

U. S. v. Pitasi. (Court of Military Appeals, 1971). This landmark fraternization case recognized an overall lack of policy guidance and urged the services to provide specific policy guidelines to their members. While admitting that the custom against fraternization was valid and enforceable, the court argued that the military has an obligation to

provide some guidelines by which an officer . . . may test what conduct is or is not violative of the "custom," in light of the fact that our armed forces are currently constituted of a large number of citizen soldiers [126:38].

Moreover, the Court of Military Appeals urged the services to draft a specific regulation covering fraternization policy (126:38).

Staton v. Froehlke. (U. S. District Court, 1975). This ruling represents the only civilian court review of a military fraternization case (73:550). The case involved an Army officer who fraternized with an enlisted woman by drinking together and engaging in sexual activities. Besides affirming the conviction, the civilian court held that military fraternization custom/policy does not violate first amendment rights. The court recognized that the unique character of the military mission allows the services to impose strict standards of personal behavior which might not be enforceable in the civilian community (101:506-507). In the words of the majority opinion

While similar limitations might be offensive if applied to civilians, in the context of military life the prohibition on specified types of fraternization serves a valid and necessary purpose [19:124].

Additionally, the case of Staton v. Froehlke helped more clearly define the nature of the fraternization offense. The justices asserted that to "fraternize" was to associate with another or others on intimate terms; however, they stressed that not all fraternizing was wrongful. Only those associations which either demeaned the military superior or "detracted from the respect and regard for authority inherent in superior-subordinate relationships" (73:550) were considered improper by the court.

U. S. v. Hoard. (Army Court of Military Review, 1981). This ruling seemed to echo the findings of the Staton v. Froehlke case, namely, that a military fraternization policy which forbade certain types of socializing and unofficial personal associations did not unduly infringe upon traditional first amendment rights (73:568). Moreover, the court concluded that fraternization, as a criminal offense, applied to both same-sex and opposite sex relationships and was not limited to officer-enlisted associations (73:575).

U. S. v. Jefferson. (Army Court of Military Review, 1982). In this case, an Army officer was convicted, under Article 133, for engaging in sexual intercourse with an enlisted subordinate during duty hours in the barracks. The court ruled that **Article 133** fraternization convictions were proper only if an officer's actions had "a demonstrable impact on the discipline, authority, and morale of his unit" (118:810). In this case, the facts clearly justified the conviction since the officer's conduct "attacked the very fabric of the military way of life" (118:810). Additionally, the review court contended that adulterous conduct does not necessarily constitute a fraternization violation. In the court's opinion, fraternization and adultery must be treated as separate offenses. Finally, the Army court reaffirmed the findings of the earlier U. S. v. Free case, arguing that fraternization continued to be a punishable violation of military custom (118:810).

U. S. v. Rodriguez. (Air Force Court of Military Review, 1982). This fraternization case involved an Air Force officer prosecuted under Article 134 for smoking marijuana with and propositioning enlisted persons (73:560). The review court overturned the conviction because the trial judge failed to adequately define "fraternization" and "custom of the

service" for the board members. The review court conceded that, except for this technicality, the conviction would have been affirmed since fraternization did constitute a valid criminal offense. On a related subject, the court determined that Article 92 could not be used to prosecute violations of AFR 30-1 because the regulation was "non-punitive" in nature and failed to warn violators that their actions were punishable under the UCMJ (73:566). The decision also speculated that the custom against fraternization was eroding within the Air Force. Judge Miller, in his concurring opinion, argued that the Air Force had "frittered away" the custom (70:165).

U. S. v. Johanns. (Air Force Court of Military Review, 1983).

This case, more than any other, has had far reaching implications for Air Force fraternization policy. Captain Johanns, a single officer stationed at Minot AFB, North Dakota, was convicted of fraternizing with two single enlisted women not assigned to his unit or under his supervision. Captain Johanns admitted dating and engaging in sexual intercourse with the women. Despite the uncontested facts of the case, the Air Force Court of Military Review overturned the fraternization conviction arguing that a custom against fraternization no longer existed in the Air Force and could not warrant criminal prosecution (119:869).

The court cited several institutional and management practices which had undermined the policy. First, the 1977 version of AFR 30-1 conceded that "close personal friendships" (119:866) between officers and enlisted persons should not necessarily be avoided and were often appropriate. Additionally, management principles encouraging "close interpersonal relationships" (119:866) seemed to abound within Air Force organizations. Furthermore, regulations had been changed allowing officers and enlisted

persons to be guests at each other's clubs. The court also contended that the Air Force seemed to encourage officer-enlisted marriages by allowing such couples to live on base (119:866).

Consequently, the review court concluded that any custom against fraternization was incompatible with a policy which allowed officer-enlisted marriages, because fraternization could occur just as easily within a marriage as outside one:

If there exists a customary ban on fraternization, and the avowed reason for such a custom is that fraternization is inimical to good order and discipline in the Armed Forces, how then could marriage change that effect [119:867]?

Moreover, the court argued that if officer-enlisted marriages were tolerated, then so must the courtship which normally precedes such relationships.

Once it is acceptable to have officers married to enlisted members, it is logical to conclude that mere dating is also acceptable, since that is nothing more than the socially preliminary stage to such marriages [119:867].

In response to these contradictory management, club, and marriage policies, the Court of Military Review concluded that the Air Force custom against fraternization had significantly deteriorated. The court stated:

We specifically find that as a matter of fact and law the custom in the Air Force against fraternization has been so eroded to make criminal prosecution against an officer for engaging in mutually voluntary, private, non-deviate sexual intercourse with an enlisted member, neither under his command or supervision, unavailable [119:869].

In effect, the court ruled that Air Force officers could no longer be criminally prosecuted for engaging in intimate relationships with enlisted persons outside their chain of command.

Despite this finding, the review court conceded that some types of fraternization were still prosecutable. To determine the unlawfulness of a relationship, prosecutors would have to take into account the nature of the association, where it occurred, other people's presence, the professional relationship between the individuals, and the likely effect on the enlisted person and others. According to the court, these aggravating circumstances must be weighed carefully to determine whether or not a fraternization violation could be prosecuted (119:868).

In the final analysis, U. S. v. Johanns pointed to grave deficiencies within Air Force fraternization policy. Senior leadership reacted by tightening the policy and removing some of the earlier policy contradictions.

U. S. v. Stocken. (Army Court of Military Review, 1984). In this case, an NCO was convicted under Article 134 of the UCMJ for fraternizing with a subordinate. In its opinion, the justices emphasized that Article 134 violations required a **direct and palpable** prejudice to the good order and discipline of the Armed Forces. In order for a fraternization violation to be prosecutable under this Article the

conduct must be easily recognizable as criminal; must have a direct and immediate adverse impact on discipline; and must be judged in the context in which the years have placed it [129:829].

The court stressed that fraternization incidents which only indirectly impact good order and discipline were not sufficient to warrant criminal prosecution. Furthermore, the review court indicated that casual social relationships between superiors and subordinates involving the drinking of alcoholic beverages were not inherently harmful and thus could not be prohibited (129:829).

U. S. v. Johanns. (Court of Military Appeals, 1985). Although the justices were bitterly divided over the Air Force Court of Military Review's decision in this landmark case, the Court of Military Appeals affirmed the lower court decision. Chief Justice Everett argued that the services had no business regulating the private sexual activities of their members unless aggravating circumstances were present (120:155). Like the Court of Military Review, the appeals court contended that the service's approval of officer-enlisted marriages served to dilute any supposed custom against fraternization, stating

... as officer-enlisted marriages have been increasingly condoned by service directives, it has become increasingly difficult for servicepersons to infer that officer-enlisted dating and social contact--an inevitable prelude to wedlock--are forbidden by custom [120:160].

In its opinion, the court chastised the Air Force for not heeding its suggestion in U. S. v. Pitasi to provide specific policy guidelines for service members concerning fraternization policy. The court explained that a clearly stated policy outlining permissible relationships between officers and enlisted persons would put individuals "on-notice" as to what conduct was allowed and might help reinstate the eroded custom. Furthermore, the appeals court stressed that the service was free to impose restrictions against social relationships between individuals whenever a direct supervisory relationship existed (120:161).

Air Force reaction to the Johanns ruling was restrained. Senior JAG officials pointed out that the decision applied only to fraternization policy in effect in 1981 and that subsequent policy changes had reinforced the custom, making the Johanns decision no longer relevant (56:3). According to



The Air Force JAG, fraternization could still be prosecuted whenever a command or supervisory relationship existed, the relationship was pressured, or under circumstances which were **directly** prejudicial to the good order and discipline of the service (81). In addition, the JAG stressed that the Johanns decision in no way prevented commanders from taking **administrative** action against fraternization offenders. As reflected in the record of the 1985 JAG Conference

It is the JAG's opinion that the entire panoply of administrative actions, officer effectiveness comments, promotion proprietary actions, and discharge pursuant to AFR 36-2, are available for commanders to use, as appropriate, in dealing with officers who fraternize with enlisted personnel of either sex [82:105].

In conclusion, despite the criticisms expressed in the Johanns' ruling, Air Force policy contended that fraternization was still criminally prosecutable under certain circumstances and could always be punished with administrative sanctions.

U. S. v. Callaway. (Army Court of Military Review, 1986). This case involved an Army lieutenant colonel who fraternized with both officers and enlisted persons directly under his supervision. The officer had engaged in sexual intercourse with two subordinate second lieutenants during parties where his subordinate NCOs were present. Additionally, he drank freely with his enlisted men at these parties and encouraged them to engage in sexual activities with the female officers. The review court held that the officer's behavior was directly prejudicial to the good order and discipline of the Armed Forces. They noted that his unrestrained drinking with direct enlisted subordinates combined with his encouragement of officer-enlisted sexual activities definitely constituted criminally

prosecutable officer-enlisted fraternization (113:779). It should be noted that, although the Army court upheld the conviction of the officer for fraternizing with both officer and enlisted subordinates, Air Force policy generally allows criminal prosecution for only **officer-enlisted** fraternization (137).

U. S. v. Lowery. (Army Court of Military Review, 1986). On 1 August 1984, the President approved a new Manual For Courts-Martial (MCM) which, for the first time, listed fraternization as a unique specification punishable under Article 134 of the UCMJ. In the case of U. S. v. Lowery, the review court stated that the new MCM had the effect of **instantaneously** creating a custom against officer-enlisted fraternization (124:1002). Because the new specification insinuated that a custom against fraternization now existed, the review court contended that the criticism voiced in Johanns concerning the lack of a custom was no longer valid (124:98). Furthermore, the court indicated that the "elements" of the new fraternization offense did **not** require the presence of a direct supervisory relationship for a conviction to occur. In fact, the Lowery case involved an officer who fraternized with a **prior** enlisted subordinate (124:1002). In conclusion, the court recognized that the new MCM had served to "beef up" an ailing fraternization policy within the services.

U. S. v. Mayfield. (Court of Military Appeals, 1986). The Court of Military Appeals upheld the conviction of an Army lieutenant who had attempted to date a female basic trainee assigned to his company. Here, the court ruled that the conviction was appropriate because, unlike Johanns, the officer was on-notice that his conduct was inappropriate. The justices pointed out that a local and command policy specifically prohibited any

social contact between cadre and trainees. Furthermore, the court contended that fraternization was especially harmful in a training environment because "trainees in the armed forces are to some extent at the mercy of the officers and NCOs who supervise them" (125:421). In essence, a training relationship provided the aggravating circumstance necessary for a fraternization conviction. Additionally, the court ruled that fraternization may occur even when a relationship or sex is **forced** upon a subordinate, stating

... there is no suggestion at all that consent plays such a role in fraternization ... A relationship between a superior and a subordinate which is unwelcome to, or forced upon, the subordinate can be as damaging to morale and discipline as one entered into voluntarily [125:418].

In effect, U. S. v. Mayfield helped clarify the concept of "aggravating circumstances," identified in Johanns as necessary for the criminal prosecution of fraternization.

U. S. v. Adames. (Court of Military Appeals, 1986). Similar to U. S. v. Mayfield, this case involved an Army second lieutenant who was convicted of fraternizing with direct subordinate enlisted trainees. In his defense, Adames argued that the Johanns ruling made his conviction inappropriate since the case suggested a custom against fraternization no longer existed. The appeals court disagreed, stating that, unlike Johanns, Adames had fraternized with subordinate members of the **same** company-- a key difference. The court also pointed out that Adames was aware of restrictions against social relationships with trainees (111:467-468).

In addition, the case highlighted the limits of officer-enlisted "partying." The facts showed that Adames had attended an off-post party with subordinate trainees where no other officers were present, alcohol was

consumed, and sexual promiscuity took place (111:468). According to the court, Adames' presence at such a party was "contrary to the maintenance of good order and discipline" (111:468) and lowered his esteem in the eyes of his trainees. The court warned that any officer who attended a similar gathering could be convicted for fraternizing under Article 134 (111:468).

U. S. v. Carter. (Navy-Marine Corps Court of Military Review, 1986). As stated earlier, the revised MCM released on 1 August 1984 suggested that fraternization was limited to officer-enlisted relationships. U. S. v. Carter significantly changed that interpretation. In this case an NCO was charged and convicted for fraternizing with a female enlisted subordinate. The court ruled that under certain circumstances an improper relationship between two officers or two enlisted persons may be prejudicial to the good order and discipline of the service (114:684). Specifically, the majority opinion concluded:

We hold that after 1 August 1984 enlisted fraternization offenses are punishable under Article 134, UCMJ, if they occur under service discrediting or discipline prejudicing circumstances, assuming adequate due process notice [114:685].

Whether or not a service chooses to criminally prosecute enlisted fraternizers depends on the particular customs and regulations of that service, according to the review court (114:683-686). Currently, Air Force policy treats criminal fraternization as solely an officer offense. Enlisted violations are normally handled administratively (137).

U. S. v. Haye. (Air Force Court Martial, 1986). This case involved a female missile officer convicted of fraternization and adultery with a subordinate enlisted missile crew member. The officer had engaged in sexual relations with the enlisted man, sometimes while on duty in the

missile silo. During the court proceedings, the trial judge instructed the members on the characteristics of a fraternization offense. He explained that fraternization could range from a passing greeting to a close, intimate personal relationship between an officer and enlisted person (142:20). In addition, the judge stressed that to be criminally prosecutable the alleged social contact must go beyond "innocent acts of comradeship or normal social intercourse" (142:20). At a minimum, the association must directly prejudice the good order and discipline of the armed forces by causing enlisted persons to lower their respect for officers (142:20). In summary, the case seemed to echo the requirements of the fraternization specification discussed in Article 134 of the UCMJ.

U. S. v. Caldwell. (Air Force Court of Military Review, 1987).

This case involved fraternization between a male captain and female NCO directly under his supervision. During the course of their relationship, the individuals travelled together, shared a hotel room, and admitted to engaging in sexual intercourse. The evidence also indicated the captain had displayed preferential treatment to the NCO while in the workplace. The Air Force review court affirmed the conviction on the grounds that such a close, intimate association was inappropriate under the circumstances (112:749). In its opinion, the court stated that "fraternization requires a military senior-subordinate relationship" (112:749); however, legal experts have pointed out that this "senior-subordinate" relationship does not necessarily imply a supervisory relationship (60). Consequently, it would be incorrect to infer from this case that a fraternization conviction always requires the presence of a direct supervisory relationship.

U. S. v. Serino. (Air Force Court of Military Review, 1987). This recent case examined the **fraternization** consequences for officers involved in illegal drug activity with their subordinates. An Air Force captain was convicted of fraternization for **condoning** marijuana use by subordinates at a party. Although, the officer apparently did not partake of the drug himself, the court ruled that his very presence at the party constituted an implied approval of the illegal activity (128:851). Furthermore, the officer's "condonation of enlisted men's use of marijuana at a party without doubt undermines order, discipline, authority, and morale" (128:851) and necessarily warranted a fraternization conviction. The court readily noted that this fraternization incident was markedly different from the Johanns scenario, contending that officer-enlisted illegal drug activities more directly impacted a unit than did discreet, voluntary, sexual relationships (128:851).

Summary of Cases. The courts' interpretation of criminally prosecutable fraternization has evolved over the last twenty-five years. Many court opinions have provided general insight into what behavior or actions warrant criminal prosecution. Despite the passage of time and changing societal norms, several of the concepts espoused in early fraternization cases serve as policy standards today. U. S. v. Free, reviewed in 1953, provides the basis for current fraternization law outlined in Article 134 of the UCMJ. Recent cases like U. S. v. Johanns have suggested a narrowing of the court's interpretation of **criminal** fraternization. In general, the research showed that currently, Air Force JAGs recommend criminal prosecution only when a superior-subordinate personal relationship unquestionably impairs a unit's discipline, morale, or mission (103).

Administrative Actions. Besides examining court cases, the research also investigated the use of administrative actions to deter fraternization violators. Historically, most fraternization offenses have been dealt with administratively. Criminal proceedings are rare and have been reserved for only the most gross violations (78:952). The courts have frequently encouraged the use of administrative tools. In a 1970 ruling (U. S. v. Lovejoy), the Court of Military Appeals voiced reservations about treating fraternization as a crime, contending that most situations were best corrected through administrative actions (123:213). Similarly, the Court of Military Review opinion in U. S. v. Johanns implied that administrative options were usually more appropriate in correcting fraternization offenses (119:862-885).

When should administrative action be taken against fraternization? According to JAG officials, this judgment is usually left to the individual commander; however, serious violations that do not qualify for criminal prosecution seem to make ideal candidates for administrative treatment (103). Official policy statements issued in the wake of U. S. v. Johanns provide commanders with a wide range of administrative options to deal with fraternization offenders (82:105). Administrative action may be taken against fraternization involving officer-enlisted, officer-officer, enlisted-enlisted, same sex, or opposite sex relationships. Because administrative options do not require the same strict standard of evidence as do criminal proceedings, they are easier to justify. Generally, only a "preponderance of the evidence" is necessary to support an administrative action. In addition, JAGs will typically advise commanders on the range of options appropriate for dealing with a particular fraternization incident (103).

Administrative Options Available. Interviews with JAGs and a review of legal journal articles revealed that a commander has several administrative remedies for coping with fraternization. According to one source, a particular action chosen must match the seriousness of the offense and take into account any aggravating or mitigating circumstances (103). Options identified by the research include:

Separation from the Service. Officers may be administratively separated from the Air Force under "honorable," "general," or "other than honorable" conditions in accordance with AFR 36-2. Enlisted discharges are governed by AFR 39-10 and may also be either "honorable," "general," or "under other than honorable conditions." For officers, separation is appropriate for "failure to show acceptable qualities of leadership required of an officer of that grade" or "misconduct or moral or professional dereliction." In regard to fraternization incidents, discharge should be reserved for relationships or incidents that damage the morale or discipline of the unit involved (70:174).

Article 15 (Non-Judicial Punishment). For an Article 15, the accused has the option of demanding a trial by court martial; therefore, fraternization offenses should meet tests for criminal prosecution. May or may not generate a Unfavorable Information File (UIF) or Digest File. Punishments include admonishment or reprimand, arrest to quarters for 30 days, restrictions for 60 days, and forfeiture of one half of base pay per month for two months (103).

Officer Digest File. Used to identify serious misconduct (70:174).

Removal from Promotion List. "Red-lining" for promotion is at the commander's direction and requires Secretary of the AF approval. Accomplished whenever an officer is found "professionally not qualified" for promotion to a higher grade. Several officers have received this action following fraternization incidents (70:175).



Control Roster. Triggers a special OER for recording unacceptable actions or performance (70:174).

Unfavorable Information File (UIF). Acts as a depository for unfavorable information of all sorts. Used for failure to respond to counseling for minor problems (70:174; 60).

Promotion Selection Folder. Provides records of actual misconduct, including non-judicial punishment, to a promotion board (70:175).

Letter of Admonishment. A warning/cautionary letter. Records serious instances of misconduct (103).

Letter of Reprimand. A rebuke. Used to record minor infractions. May or may not create a UIF (103).

Removal from Position of Responsibility. Appropriate when shortcomings in other areas might negatively impact an individual's duty performance (70:175).

OER Comments. Used to identify unfavorable performance, questionable judgment, or decreased potential (103).

Although the above list is not exhaustive, it highlights the administrative actions most frequently used by commanders.

Civil Law Opinions. Although administrative actions are imposed by commanders, the Air Force Judge Advocate General reviews selected cases and releases an "opinion" discussing the appropriateness of a specific action taken. These "Civil Law Opinions of the Judge Advocate General of the Air Force" (OPJAGAF) are published quarterly to help resolve controversy and standardize policy (103). Since 1983, the AF JAG has released ten opinions related to fraternization policy. Analysis of these opinions provided insight into the types of personal relationships and

associations that are currently discouraged in the Air Force community. The following paragraphs briefly summarize the highlights of each ruling.

OPJAGAF 1983/35. Officer separated for dating and sharing quarters with an enlisted woman assigned to a different unit. Ignored warnings by commander to break off the relationship. Couple was engaged and enlisted woman had applied for separation at the time of officer's separation (85:559-565).

OPJAGAF 1984/12. Officer discharged for having sexual intercourse with a direct enlisted subordinate. JAG stated:

It is hard to conceive of a relationship between superiors and their direct subordinates that could more readily destroy good order, discipline, and morale within a unit and between the individuals concerned than an illicit sexual relationship [83].

Additionally, the JAG stated that the strict requirements for criminal prosecution discussed in the Johanns case do not apply to administrative actions (83).

OPJAGAF 1985/12. Female officer found not qualified for promotion and later discharged for fraternizing with an NCO directly under her supervision. She frequently allowed the NCO to visit her home where they engaged in sexual activities. Situation was aggravated because she "behaved emotionally and violently in front of other enlisted members when she was rejected by him" (88).

OPJAGAF 1985/13. Officer received a general discharge for publicly dating and maintaining a sexual relationship with a female airman assigned to a different unit, despite counselling from his commander to terminate the relationship. Officer frequently visited the airman while on duty

and in uniform, and the couple was frequently seen together at both the airman's quarters and the officers' club (86).

OPJAGAF 1985/19. Female officer administratively discharged for dating and maintaining a sexual relationship with an enlisted man assigned to the same duty section. The JAG ruled that

Her conduct involving an intimate relationship with an enlisted man in the same squadron is certainly the fraternization condemned by custom and tradition whether or not she is within the subordinate's chain of command [84].

OPJAGAF 1985/60. This opinion does not pertain to a specific case, but analyzes the legal ramifications of the U. S. v. Johanns ruling. It claims that criminal prosecution of fraternization is still justifiable if 1) a command or supervisory relationship exists, 2) a relationship is pressured, or 3) circumstances are present that are directly prejudicial to good order and discipline. The opinion emphasizes that JAGs who criminally prosecute fraternization must prove that a relationship was prejudicial to good order and discipline or served to discredit the service. Also, as stated before, the opinion recognizes that an entire range of administrative actions is available to commanders "in dealing with officers who fraternize with enlisted personnel of either sex" (81).

OPJAGAF 1986/95. Officer found not qualified for promotion for fraternizing and smoking marijuana with an enlisted person who he directly supervised. Court-martial pending (90).

OPJAGAF 1987/89. Officer found not qualified for promotion for dating a female airman assigned to the same maintenance squadron. No supervisory relationship existed between the individuals. Commander had counselled the officer to end the relationship. Officer married the airman

who applied for and received a discharge before the administrative action was imposed. The JAG ruled that an administrative discharge for the officer was **not** appropriate since there was little evidence that the incident impacted the morale or discipline of the unit or base. However, the decision to not promote was upheld (87).

Analysis. Examination of these nine opinions revealed some common themes. First, intimate personal relationships were not tolerated whenever a direct supervisory relationship was involved. Second, when fraternizing individuals were assigned to different units, action was taken only when the officer ignored counselling by his commander to break off the relationship. Finally, fraternizers that eventually married were not afforded "amnesty" for their pre-nuptial associations. It is important to note that these civil law opinions are not comprehensive. The Air Force JAG only reviews **selected** administrative actions. Interviews with JAGs revealed that most actions are not published, and consequently, unavailable for review (103).

Summary of Legal Policy Sources. This section analyzed fraternization policy from a legal perspective. Military custom, UCMJ articles, court cases, and administrative actions all provide input into the fraternization policy puzzle. Although judicial decisions have evolved over the years, fundamental rulings continue to provide a framework for legal interpretations of the policy. Several court cases have offered guidance as to the appropriateness of criminal prosecution, while Civil Law Opinions have shown how the Air Force handles administrative punishment of fraternization violators. Moving from this legal perspective, the next section focuses on a final

source of Air Force fraternization policy: the curriculum of Air Force commissioning and PME programs.

### The Fraternization Training Program

Although the bulk of Air Force fraternization policy is contained within regulations, directives, and legal proceedings, most Air Force members have not received their information on the policy from these sources. Instead, their knowledge tends to be based on personal experiences, combined with "fraternization lectures" received in various Air Force schools. By default, these training programs have served as a fraternization policy source for many Air Force members. In order to obtain a complete picture of Air Force fraternization policy, the research effort explored the fraternization curriculum of nine Air Force training programs. This investigation provided a basic understanding of the way each program interprets and presents fraternization policy to its students. The following section analyzes the composition and content of each school's program.

United States Air Force Academy (USAFA). The Air Force Academy provides little formalized training in the area of fraternization; however, each year, cadets participate in an hour-long seminar with a senior NCO where the topic usually arises. In addition, first classmen (seniors) participate in three, hour-long sessions led by an NCO, a lieutenant, and a colonel where professional relations and officership are discussed. Normally, the fraternization issue emerges within these seminars (21). Also, first classmen receive a pre-commissioning booklet which discusses, among other things, how second lieutenants should treat enlisted persons in a social setting.

Finally, all cadets are briefed on the **Academy** fraternization policy that governs cadet relationships with officers and other cadets (21).

USAFA instructors and publications emphasize that fraternization is not tolerated at the Academy or in the Air Force. One cadet regulation prohibits any social relationship that involves or gives the appearance of "partiality, preferential treatment, or the improper use of rank or position" (131:6). The same regulation prohibits dating between cadets and officers, cadets and enlisted persons, and fourth class cadets (freshmen) and upper-classmen. Violators are warned that they may be subject to disenrollment (131:6). A publication for first classmen discusses officer-enlisted relationships. It advises new officers to treat enlisted persons with respect without becoming a "buddy" or "one of the guys." However, the source explains that casual socializing is acceptable and that lieutenants may attend office/unit parties even when most of the guests are enlisted (130:52). The research showed that cadets receive sparse instruction on the specifics of Air Force fraternization policy. Most of their information consists of the personal experiences and perspectives of their seminar leaders.

Reserve Officer Training Course (ROTC). Unlike the Academy program, ROTC devotes several hours of formal instruction to the fraternization issue. The first detailed treatment occurs during ROTC summer camp (between sophomore and junior years) when cadets receive a two-hour block of instruction on officer-enlisted relationships. Later, a one-hour fraternization lecture combined with four case studies is presented to cadets during their junior year. In their senior year, cadets participate in a two-hour seminar that employs case studies to explain complex fraternization issues. Finally, all senior cadets receive the pre-commissioning guide,

Ticket, which discusses social relationships between Air Force members of different ranks (58). According to Capt Gary Jones, chief of the ROTC Leadership Management Branch, future ROTC courses will employ interactive video disks to more effectively explore the fraternization issue (58).

ROTC provides both general and specific fraternization policy guidance. The issue is presented to cadets as an increasingly visible and troublesome problem area which "is being dealt with in a more aggressive manner by senior Air Force leadership" (3:2). Fraternization is defined as an unhealthy or inappropriate personal relationship between individuals of different grades which disrupts the good order and discipline necessary for unit accomplishment. The instruction emphasizes that the perceptions of others play a key role in determining whether or not a fraternization incident has occurred (3:1-2). In addition, the booklet Ticket warns new officers to be aloof in their initial relationships with enlisted persons to prevent a close social relationship from harming a professional working relationship (4:142). Finally, cadets get detailed guidance concerning the appropriate use of first names between different ranking individuals (4:138-139). In summary, the ROTC fraternization training curriculum provides extensive coverage of the issue through lectures, case studies, readings, role playing, and specific policy information.

Officer Training School (OTS). Of the three commissioning sources, the research showed that OTS had the most rigorous fraternization training program. During the ninety day course, officer candidates receive nine hours of instruction on fraternization and professional relationships (68). According to Capt George Balerno, Professional Knowledge Curriculum Manager, the school treats fraternization as a "hot topic" that has received

renewed emphasis from senior leadership. The training program includes a one-hour lecture on fraternization policy and enforcement (12) as well as a two-hour seminar where cadets discuss hypothetical case studies that illuminate various fraternization issues. Time is also set aside for 1-1/2 hours of outside reading. The assigned articles include a 1981 legal paper on fraternization by Lt Col Flatten and a "no-nonsense," fraternization policy letter from the commander of Air University. In addition, cadets receive 3-1/2 hours of instruction on professional relations where they discuss topics like "undue familiarity," "social involvement," and AFR 30-1. The program concludes with a 1-1/2 hour officer/NCO seminar where cadets discuss officer-enlisted relationship issues with active duty officers and NCOs (68).

The OTS lectures, case studies, seminars, and readings cover many facets of fraternization policy. Subjects include AFR 30-1, UCMJ articles, recent courts-martial, and related club and housing regulations. According to Capt Balerno, OTS instructors have attempted to remove "gray areas" from fraternization policy. They tell cadets that strict guidelines for appropriate social relationships do exist and that officers who "cross the line" will be prosecuted (12). Punishment for fraternizing is emphasized throughout the program. A letter from the Air University commander warns that, without exception, "we will continue to take a hard line on this type of conduct" (91:2). In one reading, the author stresses that undue familiarity between officers and enlisted persons hurts the Air Force mission. He warns that any socializing may be perceived as favoritism and that officer-enlisted dating especially risks negative consequences for the organization and individuals involved (91:23-25). Most of the course materials emphasize that perception is as important as reality in any relationship, and that



the views of seniors, subordinates, and peers must be taken into account when determining the appropriateness of a social relationship (91:8-14). The program discusses criminal prosecution for fraternization and, unlike other official policy sources, claims that senior officers may be prosecuted for fraternizing with junior officers. Finally, the course underscores the dangers of first name usage within an organization (91:29), stressing that subordinates should not address superiors by first name except on the intramural playing field (91:40). In sum, OTS takes a strict view of social relationships between officers and enlisted persons. The curriculum treats fraternization as a serious offense that will not be tolerated.

Basic Military Training School (BMTS). Men and women who enlist in the Air Force receive very little fraternization instruction during their basic training program. A letter from Capt Richard Lewis, chief of the Training/Plans Branch at BMTS, revealed that fraternization is not specifically taught in any of the school's courses (66). However, he noted that the topic sometimes arises during informal seminars or discussions with OTS flight commanders. Additionally, the BMTS student study guide contains one brief paragraph that introduces the issue (67).

The BMTS study guide reference to fraternization is very general in nature. It defines the term as an "inappropriate relationship between service members/civilian service members that impedes the accomplishment of the mission" (15:xiii). Unlike other Air Force policy statements, the definition does not restrict fraternization to officer-enlisted relationships. But like other training publications, the study guide stresses the importance of perceptions, stating that relationships **perceived** as unprofessional will cause problems. Finally the guide warns that superior-subordinate social

relationships are especially dangerous and that commanders have the authority to intervene anytime "personal activities appear to affect mission effectiveness" (15:xiii).

Air War College (AWC). Air War College students receive some exposure to the fraternization issue. Mr. Ted Kluz, AWC Command and Leadership Curriculum Coordinator, stated that both resident and seminar students participate in a two-hour seminar to discuss current Air Force policy. Since the lieutenant colonel/colonel students bring extensive knowledge and experience to the program, the school does not "preach" a specific fraternization policy to the students but allows a free-flow of ideas during the seminar. Students are required to read two articles in advance: a 1985 military journal article entitled "Thou Shalt Not Fraternize! Do We Mean It or Not?" and the fraternization regulation of the U. S. Army. In addition to this seminar, the Air Force JAG normally visits AWC and discusses current JAG issues, including fraternization, with the resident students (63).

Although Air War College does not take an official stand on the fraternization issue, the required reading does provide some "food for thought" to students. The article by Capt Johnson highlights several issues of the policy debate and summarizes the various housing, club, and marriage policies that were in effect during the early 1980s. He notes that fraternization policy seems to be toughening up in various commands and offers recommendations for dealing with the problem (6:32-35). The article, combined with the seminar discussions, encourages officers to evaluate their own view of the issue. In essence, Air War College does not teach fraternization policy

but provides a forum for senior officers to discuss their perception of the problem (63).

Air Command and Staff College (ACSC)-Residence. The ACSC in-residence program imparts little instruction on fraternization. According to the resident curriculum director, Lt Col Mollet, the issue appears only once as a suggested topic for discussion during a two-hour seminar entitled, "Air Force Professionals: The NCO." No policy guidance is offered during the discussion, but a free flow of ideas is encouraged by the seminar leader. Unlike Air War College, ACSC-residence students have no assigned readings on fraternization (75).

According to Lt Col Mollet, the school has de-emphasized the topic because it is believed that fraternization policy is generally understood and no longer represents a "burning issue." In addition, he defended the school's decision to not provide specific policy guidance because the policy is **not** standardized and is usually left up to the discretion of individual commanders (75). In summary, ACSC-residence perceives fraternization as an outdated issue which does not warrant special attention in the curriculum. This position is markedly different from the philosophy expressed in other programs.

Air Command and Staff College (ACSC)-Correspondence/Seminar. Despite ACSC-residence's spartan treatment of fraternization, the correspondence/seminar program devotes one full seminar and four readings to the issue. During the seminar, students are encouraged to actively discuss and debate the merits of the policy. The required readings consist of a 1984 TIG article entitled "Fraternization: Sneaky Little Devil," the 1985

policy letter from Hq USAF/MP, a copy of AFR 30-1, and a military journal article by Capt Johnson (described in AWC section) (134).

The four readings provide extensive fraternization policy information to ACSC students. The TIG article warns of the dangers associated with social relationships between superiors and subordinates. It defines fraternization as an "undesirable situation wherein supervisors compromise their authority through improper association with their subordinates" (2:14). Contrary to other official sources, the article does not restrict its definition to officer-enlisted relationships, but warns that friendships between **any** boss and worker must not exceed "the bounds of propriety" (2:14). In addition to the TIG reading, students receive an analysis of fraternization policy in the post-Johanns era from a Hq USAF/MP policy letter. Also, students are exposed to a critical element of the fraternization policy picture: AFR 30-1 (2:15-24). In sum, the ACSC correspondence/seminar readings provide students with a balanced and informative view of the complex fraternization issue.

Squadron Officer School (SOS). Fraternization is not formally addressed in either the residence or correspondence SOS programs. Despite its absence from the school's stated lesson plans, Lt Col Richard Midkiff, Deputy Director of Curriculum for SOS-residence, noted that the issue sometimes arises during seminars with senior NCOs or JAGs. He claims that SOS does not perceive the topic as a high priority issue and hence does not anticipate its addition to the curriculum in the future because budget cuts are already threatening a reduction of the entire program (74).

Capt Cathy Plumb, curriculum director for the correspondence program, said that a reading on fraternization had appeared in an earlier course

but had been deleted from the 1988 version. The reading, a 1981 article by Lt Col Franklin Flatten, was removed because it was viewed as outdated and misleading to junior officers. According to Capt Plumb, a more current article was not included in the new course because fraternization is perceived as a serious problem only for lieutenants, and poses less of a "temptation" for **captains** eligible to enroll in the course (93). In conclusion, SOS does not place a high priority on fraternization education within its curriculum. The school's course planners seem to agree with the ACSC-residence philosophy that fraternization does not merit special treatment within the PME forum.

Senior NCO Academy (SNCOA). Like SOS, the topic of fraternization is not a formal part of the SNCOA curriculum. Yet, according to Chief MSgt Lyons, Director of Curriculum at SNCOA, the subject frequently arises during officer-NCO seminars scheduled throughout the program. Furthermore, several students have written position papers on the issue during the past five years (69).

During the officer-NCO seminars, SNCOA instructors avoid use of the term "fraternization," and instead emphasize that NCOs should strive for "professional relationships" in their dealings with other service members. The faculty supports the notion that "familiarity breeds contempt" and warns that a close personal relationship between a superior and subordinate could dilute the authority necessary in a wartime environment. In addition, faculty and students sometimes discuss the appropriateness of first name usage in the workplace environment. Chief Lyons indicated that the school does not voice a position on this issue, but instead encourages the free expression of multiple viewpoints during the discussion (69). In sum,

although the Senior NCO Academy does not formally "teach" the concept of fraternization, it does appear to encourage a lively debate on the issue.

Lieutenants' Professional Development Program (LPDP). LPDP is a five-day PME course, taught by officer and NCO volunteers, designed to enhance the professional and leadership qualities of Air Force lieutenants. A 90 minute segment of the course is devoted to "professional relationships," with much of the material focusing on the problem of officer-enlisted fraternization. AFR 30-1 provides a framework for the lecture and discussion on fraternization (46:Sec 4r,1-14).

The LPDP course appears to reflect current Air Force policy on the issue. It defines fraternization as "an officer-enlisted relationship that is contrary to good order and discipline and impacts negatively on the mission" (46:Sec 4r,8). The course lesson plan clearly states that any association which adversely affects the relationship between a superior and others in the unit will hurt mission accomplishment and must be avoided. Furthermore, the instructor guide warns that supervisors who become overly familiar or "friends" with subordinates risk creating a perception of favoritism in the minds of other unit members. On the subject of officer-enlisted dating, the LPDP lesson plan warns of several dangers inherent to such relationships. Finally, the course explains that fraternization punishment may range from negative comments on an OER to trial by court-martial under the UCMJ (46:Sec 4r,1-14). The fraternization message projected by LPDP is clear: "officer-enlisted socializing is just plain bad business" (46:Sec 4r,12).

Human Relations Education Training (HRET). This mandatory Air Force training course does not include fraternization in its curriculum. Yet,

according to an interview with TSgt Perry Lawson, HRET instructor at Wright Patterson AFB. the topic frequently arises during his seminar on sexual harassment. TSgt Lawson says he is quick to distinguish the concept of "fraternization" from "sexual harassment" for his students and uses two TIG articles as source documents for his brief discussion of the issue (64).

During his seminars, TSgt Lawson emphasizes the importance of maintaining professional relationships within the workplace. He stresses to his classes that fraternization, unlike sexual harassment, is not solely a male-female issue and that Air Force members must insure that their relationships with **all** coworkers remain professional and supportive of the mission. TSgt Lawson emphasized that, although "fraternization" was not part of his training course, he does his best to field questions on the subject (64).

Summary of Fraternization Education Program. The research suggests that Air Force training programs differ significantly in their approach to the fraternization issue. Some schools give the topic top priority, devoting several hours of instruction to the proper conduct of superior-subordinate social relationships. Conversely, others choose not to include the subject within their curriculums, but allow open debate if the issue arises during a seminar period. All of the investigated programs either encourage or tolerate some discussion of fraternization in the classroom environment. In addition, although the schools differ in their interpretation of policy specifics, they provide a relatively uniform, albeit incomplete, view of Air Force policy on the subject.

## Integration of Policy Information

According to the research described in this chapter, Air Force fraternization policy seems to emanate from three primary sources: official regulations and directives, the legal community, and various military training programs. Individually, none of these sources provide a complete view of the policy, but taken together, they offer an enormous amount of information on the subject. Each source focuses on specific fraternization topics. Therefore, to obtain complete information on a certain topic, one must study every source that addresses that particular subject area. Unfortunately, it is difficult for the average service member to know which policy sources discuss which policy topics. The research attempted to resolve this problem by creating a fraternization policy matrix. The matrix matched individual sources of policy with potential topics to organize the data and facilitate the development of the fraternization policy booklet attached at Appendix A. This matrix approach allowed policy data to be integrated and synthesized into several **topical** areas which provided a useful organizational structure for the policy booklet. The following section provides a detailed description of the matrix development.

Identification of Policy Sources. After collecting the data described earlier in the chapter, the matrix development began by identifying and categorizing all official sources of fraternization policy consulted in the research. These sources included the documents, regulations, court cases, curriculums, and interviews described in the methodology chapter of this thesis. Each source was grouped into one of the following six categories:

1. Regulations
2. Directives/letters
3. Training programs



4. Court cases
5. Civil Law Opinions of the JAG
6. Other official legal sources.

Each category contained several individual policy sources in the form of written documents and interviews. Seventy-six data sources were identified and are listed at Appendix B.

Identification of Topical Areas. Next the research process turned towards identifying topical areas that appeared within various fraternization policy sources. An initial scan of the data produced over fifty such subject areas. Information in each category was analyzed to determine its suitability for inclusion in the fraternization policy booklet. Topic areas that did not relate directly to Air Force fraternization policy were eliminated. Other topics were modified or combined with similar subject areas to provide an optimum classification scheme for the collected policy information. The final iteration produced a total of 41 topical sub-areas, representing a broad spectrum of fraternization policy issues. A listing of these sub-areas appears at Appendix C. As a final step, these 41 sub-topics were grouped into the following eight issue areas:

1. The fraternization tradition
2. Professional relationships
3. Defining fraternization
4. Situational factors
5. Air Force institutional practices
6. Specific policy guidelines
7. Officer-enlisted marriage policy
8. Criminal/administrative sanctions
9. Current issues

Not only did these issue areas provide a useful way to categorize fraternization policy data, but they also served as a "table of contents" for the fraternization policy booklet at Appendix A.

**Matrix Creation.** After identifying policy sources and topical sub-areas, the two classifications were integrated into a fraternization policy matrix. Using a computer spreadsheet program, data sources were listed in the first column of the worksheet and topical areas were input across the top as shown in Figure 2. If a particular data source referenced a topical sub-area, an "X" was placed in the corresponding spreadsheet cell. The computer output was extensive, producing over 20 spreadsheet pages.

			X	
	X			
			X	
	X			
		X	X	
X				

Figure 2. Fraternization Policy Matrix

This system provided an effective cross-referencing system for organizing policy data. At a glance, the researcher could determine which sources covered which topical areas and vice-versa. The matrix system allowed quick comparison and synthesis of information obtained from various sources and highlighted policy contradictions. Finally, the matrix facilitated the development of the fraternization policy booklet. It allowed the researcher to integrate all policy sources when analyzing each policy sub-area.

Fraternization Policy Booklet. The fraternization policy booklet represented the culmination of the thesis research effort. Most of the thesis' data explanation and analysis is contained within this document at Appendix A. The booklet represents a unique approach to the fraternization issue by analyzing the concept from a topical perspective. It was designed to allow Air Force personnel to quickly obtain information on a particular subject area without wading through volumes of court cases, regulations, articles, and other sources of policy information. The author attempted to emphasize organization, readability, and accuracy in writing the policy booklet. Additionally, sources were referenced throughout the booklet to aid those who desire to conduct in depth research on a particular subject area. Although the booklet attempts to thoroughly cover current Air Force fraternization policy, it does not answer all potential policy questions. Instead it provides a general reference for understanding the Air Force position towards social relationships between service members of different ranks.

## V. Conclusions and Recommendations

This chapter highlights the significant findings and implications of the thesis research. The first section presents six conclusions concerning the overall content and impact of the Air Force's fraternization policy. Section two focuses on the validation and implementation of the fraternization policy booklet, the end product of this thesis effort. Finally, the chapter concludes with recommendations for fraternization policymakers and researchers.

### Research Conclusions

A close review of policy documents, interviews, and supporting literature led to the following conclusions regarding Air Force fraternization policy:

**A coherent fraternization policy does exist, but is difficult to understand.** A variety of sources in the form of regulations, letters, court-martial reports, law opinions, interviews with policymakers, and academic curriculum materials are available that outline the development and current state of Air Force fraternization policy. Each source treats the subject from a slightly different perspective and provides a unique element of the overall policy. Combined, these sources seem to espouse a similar message, although the "language" and emphasis varies from source to source. Unfortunately, these policy sources are widely dispersed and difficult to access. Also, much of the data is challenging to interpret without the aid of experts in the field. For instance, the author was forced to rely extensively on guidance from Air Force JAGs to clarify the unfamiliar legal concepts

present in many of the fraternization court cases. Additionally, the policy is laden with gray areas. For example, specific policies towards dating and the service's attitude towards officer-enlisted marriages are not specifically defined but left up to the interpretation of individuals and their commanders. In short, a fraternization policy does exist, but it is often difficult to discover, interpret, and understand.

**Fraternization is primarily an officer-enlisted, male-female problem.** Although the Air Force does not view the issue strictly in these terms, this is where the heart of the problem and policy emphasis lies. Over the past twenty years, the vast majority of criminal and administrative fraternization incidents have involved officer-enlisted, opposite sex relationships. Through institutional practices discussed in this thesis, the Air Force has sought to maintain some social separation between officers and enlisted persons, while policies to restrict socializing among different ranking officers or among different ranking enlisted persons have received less emphasis. Additionally, fraternization has been primarily a male-female issue. It became a significant problem and received considerable attention only after women entered the Air Force in large numbers during the 1970s. This does not suggest that Air Force policymakers should focus exclusively on opposite sex, officer-enlisted relationships when considering the fraternization issue. The proper conduct of **all** relationships (same sex, officer-officer, enlisted-enlisted) must be a part of any fraternization policy, but attention should be focused towards the core of the problem: officer-enlisted, opposite sex relationships.

**Certain social relationships are not tolerated.** The Air Force has restricted some social associations. First, intimate officer-enlisted rela-

tionships such as dating or very close friendships are viewed as risky and can result in criminal or administrative consequences. Present policy and legal precedent prohibit officers from dating enlisted persons assigned to the same unit. When individuals are assigned to different units, the policy is less clear. The Air Force allows individual commanders to use their own judgment in handling these situations. Some officers have been administratively punished while others have received no sanctions for dating or intimately socializing with enlisted persons from different units or bases. Second, Air Force policy seems to indicate that socializing or dating **between two officers or two enlisted persons** is acceptable unless the individuals are assigned to the same unit; however, in no case are individuals permitted to date a direct superior or subordinate. Third, discretion is the rule concerning social relationships between individuals of different ranks. Publicly flaunted relationships pose more potential harm to an organization than do discrete relationships, and consequently, are more likely to concern commanders and JAGs. Finally, despite its stance against fraternization, the Air Force continues to encourage unit-sponsored, "all ranks," social activities whose purpose is to enhance camaraderie and boost morale.

**Policy contradictions are present.** Although the research showed that most sources provide similar or complementary interpretations of overall fraternization policy, some contradictions remain. First, and most important, regulations which allow officer-enlisted marriages appear to contradict policies that discourage officer-enlisted dating. This has caused confusion for many individuals and has proved a "bone of contention" for policy critics. Second, definitions of fraternization often disagree. For

example, Air staff and JAG officers generally contend that fraternization only applies to **officer-enlisted** relationships. On the other hand, training materials and articles in Air Force publications usually do not restrict their definition to officer-enlisted scenarios, but state that fraternization can occur between any two individuals of different ranks.

**Air Force leadership is generally content with the present state of fraternization policy.** Interviews and other sources suggested that fraternization policy may be a static issue. Senior Air Force leaders are satisfied with the policy and do not wish to impose major changes. The fraternization issue is sensitive and potentially embarrassing to the Air Force. Furthermore, many individuals within and outside the Air Force still perceive the concept as part of a "caste system," incompatible with an egalitarian, democratic society. A revised fraternization policy would only serve to awaken a sleeping giant in the eyes of many officials. Consequently, most sources predict no significant change to the Air Force's current position.

**Incomplete or inaccurate knowledge of fraternization policy can be dangerous.** This study revealed that ignorance of policy does not excuse fraternization offenders. The Air Force has a stated, frequently-enforced, policy against fraternization. It expects individuals to know that policy and avoid inappropriate social relationships. Several personnel have been criminally or administratively punished for engaging in relationships or behavior which they thought was acceptable. Any mechanism that improves the awareness of policy among Air Force members might reduce the frequency of such fraternization incidents.

### Validation and Implementation of Policy Booklet

As discussed earlier, this research effort produced a "fraternization policy booklet," designed to provide Air Force members with a clear explanation of current policy on the subject. To validate the accuracy and usefulness of the product, the booklet was submitted to the individuals in Figure 3 for review and comment.

<b>Name</b>	<b>Position</b>
Col Thomas J. Springob	Staff Judge Advocate, Air University
Col James L. Weaver	Vice-Commandant, Air Force Institute of Technology
Everett G. Hopson	Chief, General Law Division, Headquarters USAF JAG Office
Lt Col William C. Jones	Director, Military Justice, Headquarters MAC JAG Office
Lt Col Kenneth Wildung	Commander, 75th Military Airlift Squadron
Major David Barton	Chief, Military Affairs, Headquarters ATC, JAG Office
Major Charles Andre	Chief, Human Relations Education, Air Force Human Resources Development Division, Headquarters USAF

Figure 3. Individuals Selected to Review Fraternization Policy Booklet

Reaction to Booklet. All seven individuals selected to review the policy booklet responded with written comments. A partial transcript of their individual remarks is included at Appendix D.



Positive Feedback. The fraternization policy booklet received favorable reaction from all reviewers. Several individuals confirmed that the booklet was an accurate reflection of current fraternization policy and law, integrating much of the individual components of overall policy (51; 7; 100). Maj Andre of Hq USAF Personnel claimed the booklet was the best definitive statement of fraternization policy that he had encountered. Col Springob, ATC JAG, concurred, stating that the guide was "an excellent description of Air Force policy and the current status of the law in this important area" (100). Furthermore, several reviewers thought the booklet would benefit the Air Force as a guide for commanders and other personnel (138; 135; 13). Col Weaver, Vice-Commandant of the AF Institute of Technology, stated that the booklet would have been very valuable during past command assignments, where he sometimes encountered fraternization among his personnel (135). Lt Col Wildung, commander of a MAC flying squadron, also found the booklet useful saying, "I wish I'd had it as a commander! . . . We need it in the field!" (138). Finally, several reviewers remarked that the booklet was well-written and logically organized (104; 135; 51; 138).

Negative Comments. Although overall reaction was favorable, every reviewer suggested some changes to the booklet. First, several JAGs disagreed with the author's interpretation of the U. S. v. Caldwell case (104; 60). In the policy booklet, the author had claimed that the court opinion suggested that fraternization was only criminally prosecutable when a personal relationship coincided with a **direct supervisory relationship**. Several JAGs disagreed, arguing that the intent of the court was not to **require** a direct supervisory relationship for a fraternization conviction, but

only to indicate that this was an important factor to consider when deciding whether or not to prosecute. Also, several reviewers expressed some confusion over the use of the term "fraternization" in the booklet, contending that the term should only apply to improper relationships **between officers and enlisted persons**. In addition, two reviewers offered minor clarifications to the section of the booklet which discussed Article 133 prosecution of fraternizers (104; 13). Finally, several JAGs suggested changes in terminology and citation methods to be more consistent with standard legal practice. Capt Holly Stone, Civil Law Director at Air University remarked, "I've noted in several places 'terms of art' used in the legal field that make it clearer, at least to an attorney, as to what you're discussing" (104). Overall, the reviewers provided valid, constructive criticism of the policy booklet.

Revisions to Policy Booklet. In general, most reviewer suggestions were incorporated into the final version of the policy booklet. Where conflicts existed between two sources, the recommendation of the higher-level staff agency was adopted. In reaction to criticism of the U. S. v. Caldwell discussion, the author amended the booklet to agree with the interpretation of the legal experts. Furthermore, to clarify use of the term "fraternization," a paragraph was added near the beginning of the guide to discuss and define terminology used throughout the booklet. Also, in response to other suggested terminology changes, the author chose to replace wording only when the new terminology would clarify a concept for a **general audience**. Because the booklet was designed primarily as a guide for **commanders**, it was felt that the overuse of legal jargon (although technically accurate) might confuse rather than clarify an issue. In addition, the discussion of Article 133 of the UCMJ was amended to more

accurately describe its role in fraternization cases. Also, the author corrected several grammatical errors noted by the reviewers. Despite numerous content changes, no revisions were made to the overall format, organization, or length of the policy booklet.

Implementation and Use of Policy Booklet. As shown above, the evidence suggested that the fraternization policy booklet could be a valuable reference tool for many individuals and organizations. How should this booklet be introduced and used within the Air Force community?

Publishing. Hq USAF/DPPH, the Air Staff office for fraternization issues, in coordination with Air University, should name a staff agency to oversee initial publication of the policy booklet. The author would work closely with this organization to gain necessary approval and get the booklet into the proper format for publication. The "OPR" would agree to assume responsibility for keeping the booklet current and act as a point of contact for suggested revisions to future editions.

Distribution. Who should receive the fraternization policy booklet? Admittedly, any Air Force member could benefit from reading the guide; however, excessive cost would limit such a widespread distribution. The booklet should prove most useful to squadron commanders, JAGs, and instructors at various Air Force schools who deal with the issue. Therefore, it should be distributed at squadron commander and JAG conferences, and be sent to Air Force PME and accession points for use by curriculum planners and instructors. This would allow maximum coverage of the booklet at a minimum cost.

Limitations. Despite its usefulness, the fraternization policy booklet has some potential drawbacks. As noted by Col Weaver, Deputy

Commandant of the Air Force Institute of Technology, describing current fraternization policy "may be like taking a picture of a moving train" (135). One may be able to get an accurate portrayal of today's position, however that "snapshot" could be inaccurate and misleading if the policy changed significantly over the course of time. To combat this danger, the office designated OPR for the booklet should insure that the booklet is updated annually. Revised regulations, directives, and new court decisions must be included in each new edition. If the booklet becomes outdated, it will be of little value to Air Force members.

### Recommendations

As stated at the outset, the purpose of this research was not to criticize or suggest sweeping changes to Air Force fraternization policy. Rather, the research accepted the appropriateness and necessity of current policy and attempted to elucidate that policy in the form of a "fraternization guide" for Air Force members. As a result of this effort, the author recommends four actions that the Air Force can take, not to change policy, but to better advertise existing policy to Air Force members.

**First, publish and distribute the fraternization policy booklet developed by this thesis.** There is a significant need for clear guidance as to what behavior is and is not acceptable regarding social relationships between service members of different grades. Military courts and some JAGs have argued that this lack of guidance has caused the custom against fraternization to erode. In the opinion of one senior JAG, the fraternization policy booklet would be an important step in reinstating that custom (137). It could fill an information void for commanders, instructors, and JAGs who

need a ready reference on fraternization policy. The booklet should be released for publication as soon as possible.

**Second, fraternization terminology must be standardized.** To effectively discuss the issue, individuals must possess similar connotations of terms like "fraternization," "unprofessional relationship," "intimate relationship," "undue familiarity," and "prejudicial to good order and discipline." Although various sources have provided definitions, they seldom agree, only adding confusion and frustration to an already complex subject. Agreed-upon definitions of terms and phraseology will help ensure better understanding among all personnel. This terminology could be standardized by the Hq USAF Judge Advocate General's office and be distributed to PME and commissioning schools for use during fraternization seminars--helping all participants "speak the same language" on the issue.

**Third, standardize and emphasize "professional relationships education."** As discussed in Chapter IV, several schools have decreased or eliminated fraternization policy education from their curriculums. Generally these programs viewed fraternization as a "dead issue" of no particular relevance to most Air Force members. This is a dangerous attitude. Although there is an Air Force policy against fraternization, many Air Force members do not understand the specifics or implications of that policy. As discussed earlier, a failure to understand the "rules of the game" may lead to serious consequences for individuals involved in unprofessional relationships. The Air Force must emphasize professional relationships education at all commissioning, basic training, and PME schools to maximize understanding of this critical issue.

**Fourth, downplay the fraternization "custom" and treat the issue from an organizational perspective.** Much policy criticism stems from the perception that the custom against fraternization is an out-dated remnant of a medieval caste system. Critics argue that the policy has no place in a democracy which values the individual and abhors social classes. The Air Force rejects this view, claiming that the custom against fraternization is necessary to maintain **discipline** among the ranks, not to support an artificial caste system. In the author's opinion, the best course would be to dismiss references to "custom and tradition" and view the issue in terms of impact on an organization. As discussed in Chapter II, several private companies have instituted policies against employee fraternization without invoking "customs or traditions." These companies have recognized that close social relationships between superiors and subordinates can harm an organization and reduce output. The Air Force could treat the policy in a similar manner, emphasizing that close personal associations can damage a military unit's efficiency and effectiveness, decreasing its ability to perform its wartime mission. This approach would underscore the policy while avoiding the negative connotations associated with "the long standing custom against fraternization." If adopted, this perspective should be incorporated in future editions of the fraternization policy booklet.

**Suggestions for Further Research.** During the course of the investigation, several ideas emerged for further study.

First, there is a need for hard data on the frequency of fraternization incidents. At present, information is only available on the number of courts-martial and Article 15s, thus the true magnitude of the problem is unknown.

Survey research could estimate frequency and patterns of occurrence of fraternization.

The proposition that attitudes towards fraternization varies significantly among units and commanders should be investigated. A survey could discover differences in the way individual commanders and JAGs envision and enforce fraternization policy.

Additionally, an up-to-date assessment of the attitudes of Air Force members towards fraternization policy would prove useful. The only previous survey was performed in 1982 and sampled a non-representative group of officers and NCOs. New data could assist senior leaders contemplating policy changes.

Also, a detailed comparison of past and present fraternization policy of each military service could be undertaken. The observations of such a study would provide worthwhile "lessons learned" for senior policymakers.

Finally, civilian "fraternization" studies have much to offer the military community. Research in this area has increased dramatically over the past ten years. A military researcher could tap this information source by consolidating civilian research on the subject and developing a model to apply the findings to military organizations, where appropriate.

In general, the fraternization policy arena is wide open for further research. It is a topic that will continue to merit attention as long as social associations coexist with professional relationships in the U. S. military.

**Appendix A: Fraternization Policy Booklet**

**UNITED STATES AIR FORCE**

**FRATERNIZATION POLICY BOOKLET**

**PREPARED BY**

**CAPT RICHARD T. DEVEREAUX**

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**12 July 1988**



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# FRATERNIZATION POLICY BOOKLET

## Introduction

Purpose. This booklet is designed to give commanders and other personnel an overview of the current Air Force policy towards fraternization between service members of different ranks. The issue has sparked some controversy during recent years, making it difficult for many to understand the exact nature of the policy. The Air Force's fraternization policy is not covered in a single regulation, but consists of several regulations, directives, issue papers, academic sources, legal directives, and court cases. This booklet pulls together and summarizes the policy information within these documents. It acts as a ready reference for personnel who wish to understand the important fraternization issues, the specifics of the policy, and the gray areas where interpretation is left to individual commanders.

Terminology. Use of the term "fraternization" often generates confusion. According to current Air Force policy, the term applies only to inappropriate **officer-enlisted** relationships. Conversely, improper associations between two officers or two enlisted persons are officially described as "unprofessional relationships." Although this distinction is important, for convenience, this booklet uses the two terms interchangeably. "Fraternization," **in this booklet**, refers to the entire spectrum and issue of improper social relationships; however, individuals should understand the official Air Force definition of the term only applies to officer-enlisted associations.

Overview and Format. The first section presents background information and a policy overview. Section II of the booklet provides a detailed description of the Air Force's fraternization policy. This section covers the situational factors which influence the seriousness of a fraternization violation, Air Force institutional practices that reinforce the policy, the actual policy specifics, and the subject of officer-enlisted marriages. The booklet concludes with an explanation of the criminal and administrative proceedings used to enforce the policy followed by a discussion of current fraternization issues.

Each section's in-depth policy discussion is followed by a complete list of source documents for those who wish to do further research. This booklet is not intended to provide all the answers but is offered as a starting point for those who need accurate information concerning fraternization problems.

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### The Fraternization Tradition

Purpose of Policy. Fraternization is an intimate or close personal relationship between service members of different ranks deemed improper by military authority. Why was a policy against fraternization developed? How might a close relationship between a superior and subordinate impact the military effectiveness of an Air Force unit? Military tradition has held that overly familiar social relationships between superiors and their subordinates can lead to a breakdown of discipline on the battlefield. Furthermore, more recent organizational theory confirms that intimate

relationships within any group may result in perceptions of favoritism, weakened authority, damaged peer group relationships, lower job performance, and a loss of unit spirit and morale. Both the Air Force and the courts have recognized a need for restricting close, personal relationships between different ranking members to insure combat discipline.

**References:** AFR 30-1, AFR 36-20/39-11, OTS, *Staton v. Froehlke* and *Justice and the Military*.

Fraternization as a Class Issue. Many have a negative connotation of the term fraternization. Those who disagree with Air Force policy on the issue often view fraternization as an outdated tradition, designed to segregate officers from enlisted men on the basis of an old-fashioned, social class distinction. The Air Force frowns upon this interpretation. Any restriction of social relationships between officers and enlisted persons is based on the absolute need for discipline and effective mission accomplishment. The Air Force in no way desires to impose a "caste system" that separates officers and enlisted persons on the basis of some non-existent social standing.

**References:** Hq USAF/JACM

Effect on First Amendment Rights. Some might argue that any attempt to restrict social relationships within the military is a violation of the Constitutional right to free association. This view is off the mark. First, the Air Force admits that most social relationships between Air Force members are a matter of individual judgment of no official concern unless they adversely affect "duty performance, discipline, and morale." Yet, the courts have consistently backed the right of the military to impose restrictions

against fraternization in order to uphold good order and discipline. In Staton v. Froehlke, a U. S. District Court recognized a valid and necessary purpose behind the military's fraternization policy, arguing that the different character of military life and the military community requires the restriction of certain types of social relationships that might be otherwise permitted in the civilian community.

**References:** AFR 30-1, *Staton v. Froehlke*, *U. S. v. Hoard*, and *U. S. v. Johanns*

The Fraternization Custom. Custom is an important component of the Air Force's policy towards fraternization. AFR 30-1 states "there is a long standing and well recognized custom in the military service that officers shall not fraternize or associate with enlisted members under circumstances that prejudice the good order and discipline of the Armed Forces of the United States." Senior Air Force leaders have voiced their support of the custom as an effective and needed tradition that should not be abandoned.

Custom has the force of law within the U. S. military; its breach may be prosecuted. However, not every tradition qualifies as custom, but must meet certain criteria established by various legal sources. According to Article 134 of the Manual for Courts Martial (MCM), "custom arises out of long established practices which by common usage have attained the force of law in the military or other community affected by them." To qualify as an enforceable custom a practice must: 1) not be contrary to existing statute or regulation, 2) if not adopted by regulation, be frequently practiced and observed, 3) be well defined and explicitly stated, 4) be equitably and uniformly applied, and 5) apply to an entire branch of service. Failure

to meet any of these five criteria will render a custom invalid and no longer enforceable.

In 1985, the Air Force Court of Military Appeals found that several of these criteria, with respect to the fraternization custom, had been violated. In the landmark case of U. S. v. Johanns, the court ruled that several Air Force practices during the early 1980s had effectively eroded any custom against officer-enlisted fraternization. The justices argued that policies allowing officer-enlisted marriages, joint use of service clubs, and management practices encouraging interpersonal relationships were contradictory to a custom which restricted officer-enlisted social relationships. The majority opinion concluded that no custom against fraternization existed in the USAF and that prosecution would be difficult unless aggravating circumstances were present.

After the Johanns case, the Air Force imposed several changes to resurrect the custom against fraternization. Housing, club, and "professional standards" regulations were revised to be in line with a policy restricting intimate relationships between officers and enlisted men. The Manual for Courts Martial (MCM) was amended to include a specific fraternization specification, prosecutable under Article 134. In U. S. v. Lowery, the Army Court of Military Review ruled that this addition to the MCM, in effect, instantaneously revived the custom against fraternization within all the services. It is the Air Force position that these changes have been sufficient

to reinstate the custom, although the Air Force Court of Military Review has yet to hear a case that adequately tests this proposition.

**References:** AFR 30-1, Hq USAF/MP ltr, Hq USAF/MPX ltr, *Military Law and Precedents*, *U. S. v. Livingston*, *U. S. v. Pitasi*, *U. S. v. Johanns*, *U. S. v. Lowery*, Article 134-MCM, OPJAGAF 1983/35, and OPJAGAF 1985/60

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## Professional Relationships

Desired Relationships Between Grades. Restrictions against fraternization often connote a negative standard. As a result, fraternization discussions frequently center around determining what relationships are improper and should be avoided. On a more positive note, the term "professional relationships" establishes a desired standard to be strived for by all Air Force members. The Air Force emphasizes the importance of professional relationships between all grades. AFR 30-1 states that relationships between different ranking individuals must be kept professional and show "mutual respect, dignity, and military courtesy." This conduct applies both on and off duty and is especially essential within a supervisory-subordinate situation. Relationships which fall below a professional level are risky, and may jeopardize the careers of those involved.

Even directives which cover the use of on-base recreational facilities reinforce the importance of this concept. AFR 215-11 requires the Base Commander to ensure that professional relationships are maintained at all times within officer and NCO clubs. AFR 215-1 says that relationships between ranks, within MWR facilities, must be conducted professionally



and show appropriate mutual respect and military courtesy at all times. Additionally, captains of Air Force level sports teams must ensure that professional relationships are maintained among their team members. In summary, Air Force personnel should treat each other with the respect, dignity, and courtesy expected within the military profession.

<b>References:</b> AFR 30-1, AFR 215-1, AFR 215-11, TIG Brief, and <i>U. S. v. Free</i>
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Addressing Superiors/Subordinates. An important aspect of a professional superior-subordinate relationship concerns how one addresses the other. How should you address someone who outranks you and how should they address you? This seemingly trivial subject has stirred up some controversy and confusion over the years. Despite the confusion, the Air Force does have a rather clear policy. First, a superior may address a subordinate by first name, but it is inappropriate for a subordinate to do likewise. Therefore, officers may address enlisted persons by their first names but enlisted persons should not be on a first name basis with officers, either on or off duty. (EXCEPTION: The Air Force has not provided guidance whether this practice extends to intramural sports competition. Local commanders may establish their own policies or allow individual discretion).

Among officers, the rules are basically the same. Generally, higher ranking officers may address lower ranking officers by their first name but subordinates should not do likewise. One exception--by custom, all first and second lieutenants may be on a first name basis. Also, junior officers may

call senior officers by their first name if the following three conditions are met: 1) social setting, 2) officers are alone, and 3) senior officer requests.

Among enlisted persons the norms are slightly different. Generally, all enlisted persons may be on a first name basis with the following exceptions: 1) airmen should not address NCOs by their first name while on-duty, 2) junior NCOs should not use first names when addressing direct superiors, and 3) junior enlisted persons should always address a Chief Master Sergeant as "Chief."

The above rules are not meant to cover every possible scenario; however, they should prove satisfactory in most situations. When in doubt it's best to take a conservative approach and show extra respect towards senior officers and NCOs. Remember, the use of first names is never required. It's perfectly appropriate to address both superiors and subordinates by their rank.

<b>References:</b> AFR 30-1, ACSC, ROTC, OTS, and SNCOA
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### Defining Fraternization

Overall Philosophy. What is fraternization? How is it best defined? Although it's difficult to develop a concise, accurate, and complete definition, several official sources have attempted to explain the term. In Staton v. Froehlke, the court stated that "fraternizing" means to associate with another or others on intimate terms. It described "wrongful fraternization" as a relationship which demeans the military superior or detracts from respect and authority. Fraternization applies to any relationship which

could disrupt the order and discipline essential to mission accomplishment. Relationships which involve or give the appearance of partiality, preferential treatment, or the improper use of rank or position, certainly fall within the realm of fraternization. Fraternization may take on many different forms, ranging from a passing greeting to a close, intimate, personal relationship.

**References:** ACSC, USAFA, ROTC, OTS, BMTS, LPDP, *Staton v. Froehlke*, and *U. S. v. Hays*

General Test for Fraternization. How can one determine if fraternization has occurred? First, at least two individuals of different grades must be involved--no restrictions apply when individuals are of the same rank. Next, the working relationship between the individuals must be determined. If the higher ranking individual is a direct supervisor or in a position to influence the assignments or responsibilities of the subordinate, then their social relationship must not give the appearance of "favoritism, preferential treatment, or impropriety." Also, the two individuals may not participate in real or perceived "excessive socialization" or "undue familiarity." Perception is the key here. Although a relationship may be innocent and proper, if others perceive inappropriate conduct, then the relationship may prove harmful and should be discontinued. These restrictions apply both on and off duty. In essence, any personal relationship between a superior and subordinate that negatively impacts the unit or mission is improper and constitutes fraternization.

When a direct superior-subordinate relationship is ~~not~~ involved, the test for fraternization is not so easily stated. Under these circumstances,

one must examine the total situation, but generally, most social relationships are allowed unless they adversely affect "duty performance, discipline, or morale." Individuals must avoid any association that reduces their professional effectiveness or harms working relationships.

**References:** AFR 30-1, ROTC, and LPDP

Types of Relationships. Does the term fraternization apply only to opposite sex relationships? Does it cover only relationships between officers and enlisted? These questions must be addressed to obtain a precise understanding of the fraternization issue.

First, fraternization can occur between two individuals of the same sex or opposite sex. During recent years much of the controversy has centered around male-female relationships; however, before women were admitted to the service in large numbers, most fraternization cases involved only men. Two men or two women of different ranks are certainly capable of a close, personal friendship that extends beyond the limits allowed under fraternization policy. Of course, male-female relationships, with their added dimension of physical attraction, have an even greater potential for abuse.

Traditionally, the fraternization custom has only applied to officer-enlisted relationships. The Air Force agrees with this interpretation somewhat, using the term "fraternization" when describing officer-enlisted socializing, and the term "unprofessional relationships" for improper associations between two officers or two enlisted persons. The fraternization specification within Article 134 of the UCMJ also tends to reinforce this distinction. To be guilty of this offense the accused must be a commissioned officer who fraternized with someone he knew to be enlisted.

This is not meant to imply that no restrictions exist within relationships between two officers or between two enlisted persons. "Unprofessional relationships" can be just as damaging as fraternization. The use of different terms is merely an attempt to add precision to the discussion of improper personal relationships.

Although an unprofessional relationship between two officers or two enlisted persons may cause problems within an organization, the Air Force has taken a more liberal stance towards these associations as compared to officer-enlisted contacts. Generally, officers may socialize freely with other officers as long as no direct supervisory relationship is involved. The same is true for enlisted personnel. However, if the individuals work within the same unit, they should carefully ensure their relationship does not negatively impact the organization. If the persons are assigned to different units, generally no restrictions apply. Despite this leniency, it must be emphasized that the Air Force will take action if excessive socializing develops between a superior and his direct subordinate. Military courts have convicted senior officers for "fraternizing" with junior officers who report to them directly. NCOs have received similar sanctions. Although the Air Force will not criminally prosecute this type of case in the absence of a regulation or order prohibiting the association, most commanders will take administrative action if an officer-officer or enlisted-enlisted relationship negatively impacts the unit mission.

<b>References:</b> AFR 30-1, Hq USAF/DPPHE, Hq USAF/JACM, ACSC, Article 134-UCMJ, OPJAGAF 1985/60, <i>U. S. v. Stocken</i> , <i>U. S. v. Hoard</i> , <i>U. S. v. Callaway</i> , and <i>U. S. v. Carter</i>
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## Situational Factors

Situational factors often determine whether or not fraternization has occurred as well as the seriousness of an alleged violation. Air Force regulations and military courts have focused on the following four factors: 1) the presence of a supervisory relationship, 2) whether the individuals involved are assigned to the same unit, 3) the place and time of a fraternization incident, and 4) whether the incident occurs in a training environment. The following section examines each of these factors.

Supervisory Relationship Present? This is a paramount consideration in analyzing any fraternization incident. The Air Force frowns upon close, personal relationships between supervisors and their direct subordinates. As stated earlier, AFR 30-1 prohibits personal relationships between superiors and direct subordinates that may give the appearance of "favoritism, preferential treatment, or impropriety" or that involve "real or perceived excessive socializing or undue familiarity." AFRs 36-20 and 39-11 also recognize the damaging effects that fraternization can have on a superior-subordinate relationship. These directives specifically prohibit assigning family members to the same unit when one may hold a supervisory position over the other.

When a personal relationship coincides with a supervisory relationship, the perceptions of others become a key concern. If a supervisor develops a social relationship with one of his subordinates, some may perceive that he's "playing favorites" and unit morale may suffer.

Unfortunately, even innocent friendships or occasional socializing will often be perceived as favoritism. Consequently, supervisors should not become overly familiar or socialize excessively with their subordinates. This policy is not designed to preclude unit social activities and camaraderie, but only to discourage close relationships between a supervisor and a few selected subordinates.

The courts have consistently upheld convictions of officers who fraternize with their direct enlisted subordinates. In U. S. v. Johanns, the AF Court of Military Review ruled that the presence of a supervisory relationship between an officer and enlisted person was the key factor in determining whether a criminal fraternization prosecution was available. Reviewing the Johanns case, the Court of Military Appeals ruled that the services could impose restrictions against fraternization when a supervisory relationship exists. Other cases reviewed by higher courts have upheld convictions involving fraternization between superiors and their direct subordinates. In U. S. v. Lowery, an Army court even affirmed the conviction of an officer who had fraternized with a **former** subordinate, no longer under the officer's supervision. In summary, the courts have consistently dealt harshly with officers who fraternize with their direct subordinates.

Although U. S. v. Johanns and U. S. v. Caldwell suggest that the presence of a direct supervisory relationship is one of the key ingredients necessary to criminally prosecute an officer for fraternization, this position has not prevented the Air Force from taking administrative action against officers who fraternize outside the chain of command. One officer was administratively discharged for dating an enlisted woman who was assigned to the same unit but not under his direct supervision. In another

incident, a Lt Col selectee was found not qualified for promotion because of his refusal to end a dating relationship with an enlisted woman assigned to a different base, despite frequent counseling from his commander. In sum, commanders may take administrative action against fraternizers even when no supervisory relationship is involved.

**References:** AFR 30-1, AFR 36-20/39-11, LPDP, OTS, *U. S. v. Jefferson*, *U. S. v. Johanns*, *U. S. v. Callaway*, *U. S. v. Lowery*, *U. S. v. Adames*, *U. S. v. Hays*, *U. S. v. Caldwell*, *U. S. v. Serino*, OPJAGAF 1985/19, and OPJAGAF 1985/60

Individuals Assigned to Same Unit? Another situational factor affecting the seriousness of a fraternization incident is whether the individuals involved are assigned to the same organization. Air Force policy discourages close, intimate relationships between personnel of different ranks assigned to the same unit. These relationships often produce rumors and lead to communication breakdowns that will harm an organization. Despite this policy, Air Force JAGs will usually not recommend criminal prosecution of these cases unless a direct supervisory relationship is present, the incident takes place in a training environment, a directive or order has been violated, or other aggravating circumstances can be established. On the other hand, **administrative** options have been freely used by commanders to discourage these same-unit fraternization incidents. In 1985, The AF Judge Advocate General (TJAG) rendered an opinion regarding the legal sufficiency of an administrative discharge of a female officer who dated an enlisted man within her same duty section. TJAG wrote: "an intimate relationship with an enlisted man in the same squadron



is the fraternization condemned by custom and tradition whether or not she is within the subordinate's chain of command."

Air Force policy is generally more tolerant of personal relationships between individuals assigned to **different** units; however, even these cases have occasionally resulted in administrative action, including discharge from the service. The administrative discharges were generally in response to openly flaunted relationships where the involved officers ignored command direction to be more discreet. Officers should be on notice that individual commanders have the authority to stop fraternization, even between individuals assigned to two different units, if they determine the situation will adversely affect the good order and discipline of their organization.

**References:** Hq USAF/JACM, *U. S. v. Mayfield*, *U. S. v. Adames*, OPJAGAF 1983/35, OPJAGAF 1985/13, and OPJAGAF 1985/19

On-duty, On-Base v. Off-Duty, Off-Base. Another important situational factor concerns the place and time of a fraternization incident. Fraternization may be prosecuted even when it occurs off-base and during off-duty hours; however, incidents that occur on-base, in the workplace, or during duty hours are usually dealt with more severity. In U. S. v. Jefferson, a military court convicted an Army officer who had engaged in sexual activities with an enlisted person during duty hours in her barracks. The court ruled that the time and place of the incident aggravated the Article 133 charges against the officer. Similarly, in U. S. v. Hays, a general court martial convicted a female captain for sexually fraternizing with an enlisted person while on duty in a nuclear missile silo. In another case, a

1985 Opinion of The Air Force JAG found that the administrative discharge of an officer who dated an enlisted person was justified because he inflamed the situation by visiting her on-duty, in uniform, and at her quarters.

This is not to imply that off-base, off-duty fraternization is tolerated. AFR 30-1 stresses that superior-subordinate relationships must remain professional both on- and off-duty. In U. S. v. Adames, an Army captain was convicted of fraternizing with enlisted trainees during a party at an off-post hotel. The court found that the off-base location of the party in no way reduced the seriousness of the charges against the officer.

A related and important consideration is the openness and visibility of the relationship. Intimate officer-enlisted relationships that are publicly flaunted are very likely to produce negative publicity and hurt an organization. Officers involved in this type of relationship can expect administrative action or criminal prosecution.

**References:** AFR 30-1, *U. S. v. Jefferson*, *U. S. v. Haye*, *U. S. v. Adames*, OPJAGAF 1985/13, and Hq USAF/JACM

Fraternization in a Training Environment. Close, personal relationships between supervisors and trainees are prohibited. Many individual commands and installations have issued specific policies barring this type of conduct. The Court of Military Appeals in U. S. v. Mayfield upheld the conviction of an officer who had asked enlisted trainees for "dates" during their training program. The court indicated that his behavior was improper because trainees are literally at the mercy of their supervisors, making them unable to reach independent judgments concerning social relation-

ships. In a similar case, another court ruled that close contact with trainees automatically diminishes respect for the superior. In conclusion, both officers and NCOs should be on-notice that social relationships with trainees constitutes fraternization and is strictly prohibited.

**References:** USAFA, *U. S. v. Mayfield*, and *U. S. v. Adames*

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### Air Force Institutional Practices

The Air Force has established several institutional practices designed to reinforce the custom against improper fraternization. These were initiated to limit opportunities for excessive socializing between officers and enlisted persons. The practices, for the most part, discourage situations that might foster intimate personal relationships, yet encourage unit morale-enhancing social activities.

On-Base Officer/Enlisted Separation. The Air Force has established certain policies designed to separate officers and enlisted during their off-duty time. One clear example involves the assignment of on-base family housing. According to AFR 90-1, installation commanders must ensure the **separation** of officer and enlisted housing areas whenever designating or redistributing housing assets. Also, officers may not be assigned family housing in enlisted housing areas, nor may enlisted persons be offered officer housing. Furthermore, enlisted persons who receive commissions while living in on-base housing are required to apply for officer housing and move at the government's expense as soon as company grade housing

becomes available. This policy of officer-enlisted housing segregation is strictly enforced at the local level.

Officer-enlisted segregation is also reinforced through separate service clubs for officers and enlisted persons. "In the interest of recognizing the appropriateness of professional relationships," AFR 215-11 emphasizes that Air Force installations should attempt to establish **individual** facilities for officer and NCO clubs. However, in a move to save resources, some bases have constructed Open Mess Complexes (OMC) which house both officer and NCO Clubs within the same facility. AFR 215-11 requires that OMCs totally separate Officer and NCO club areas by providing separate entrances and prohibiting physical access between the two facilities. A third but highly discouraged option is the Consolidated Open Mess (All Ranks Clubs). These may be established only in low population areas and require the personal approval of the MAJCOM commander. Even in consolidated clubs, officer-enlisted separation is the rule. AFR 215-11 requires separate dining and bar facilities and different color club cards for officers and enlisted guests so that separation can be ensured.

Although club and housing policies discourage officer and enlisted social contact, the Air Force permits joint participation in its intramural sports program. AFR 215-22 (Air Force Sports Program) neither requires nor recommends separate leagues or teams for officers and enlisted persons.

<b>References:</b> AFR 90-1, AFR 215-11, AFR 215-22, and <i>Justice and the Military</i>
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On-Base Housing Policy. As discussed above, installations must maintain separate housing areas for officers and enlisted persons.

Individual exceptions are not allowed and even enlisted persons who receive commissions must move to officer housing areas. An additional facet of the policy allows officer-enlisted married couples to live on-base in either the officer or enlisted area. Couples are urged to select the area most advantageous to their particular situation. In U. S. v. Johanns, the Court of Military Review indicated that this practice had contributed to the erosion of the Air Force custom against fraternization; however, the Air Force argues that subsequent measures have been enacted that effectively revitalize the custom. In summary, the Air Force mandates separate living areas for officers and enlisted persons but permits officer-enlisted couples to live in either housing area.

**References:** AFR 90-1, 1985 Annual Survey of the Law, and U. S. v. Johanns

Open Mess Policy. In U. S. v. Johanns, the AF Court of Military Review stated that the practice of allowing officers to invite enlisted guests to the officers' club had helped encourage a climate condoning fraternization between the ranks. Consequently, the Air Force changed its policy in 1983 to prohibit enlisted persons from being guests at officers' clubs and vice versa. Officers and enlisted persons may use only their own clubs except during officially sanctioned social functions. This concept had been supported earlier in the fraternization case of U. S. v. Free, when the Navy Court of Military Review ruled that it was inappropriate for an officer to invite an enlisted person to the officers' club for dinner. The policy is enforced at the local level through frequent club card checks and member awareness.

Even at officially sanctioned social functions where officers and enlisted persons are allowed in the same club, the regulations restrict social contact. Both officers and enlisted must be in-uniform during these functions and non-eligible members are limited to use of the function room, restrooms, and adjoining passages. Furthermore, non-eligible members must leave the club as soon as the function is over. According to AFR 215-11, professional relationships will be maintained at all times within club facilities.

**References:** AFR 30-1, AFR 215-11, *U. S. v. Free*, and *U. S. v. Johanns*

Other MWR Activities. In general, the Air Force condones the joint participation of officers and enlisted persons in MWR sponsored athletic and recreational activities. AFR 215-1 states that social contacts among the ranks are encouraged if they contribute to unit cohesiveness and the Air Force way of life. In addition, appropriate professional relationships must be maintained and individuals must display mutual respect and military courtesy at all times during these activities. As early as 1953, the military courts supported this notion, stating in U. S. v. Free that officer-enlisted participation on the same athletic team was well within the bounds of acceptable behavior. Free and open association is also permitted during base-sponsored athletic, religious, or recreational activities since these programs are designed to enhance morale and camaraderie.

**References:** AFR 215-1, AFR 215-22, OTS, Hq USAF/JACM, and *U. S. v. Free*

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### Specific Policy Guidelines

This section is the focus of the fraternization policy booklet. Its purpose is to help members understand how the Air Force's fraternization policy applies to specific social settings. A broad spectrum of topics is covered, ranging from "sharing quarters" to "casual socializing." Readers are cautioned that many "gray areas" are present, making it difficult to nail down a specific policy for every social situation. The guidance presented here should help individuals make informed judgments concerning their relationships with different ranking service members.

Sharing Quarters. Here, the policy is clear. Officers must not share living quarters with enlisted persons unless the pair is married or closely related. This policy was affirmed in U. S. vs Free when a military court convicted an officer for fraternization for drinking and spending the night with an enlisted person in a BOQ room. The review court ruled that it was improper for officers and enlisted persons to reside together. Similarly, in U. S. v. Livingston, an officer was convicted of fraternization for sharing an apartment with an enlisted person (both males) from the same submarine crew. The court ruled that the officer's actions diminished his respect in the eyes of other crewmembers. In 1983, The AF Judge Advocate General (TJAG) supported the administrative discharge of a male captain who had intermittently shared an apartment with an enlisted woman from a different unit. TJAG stated that the officer's conduct was "prejudicial to his good

standing as an officer." The message here is clear--officers who share quarters with enlisted persons can expect to face criminal or administrative sanctions.

**References:** *U. S. v. Free*, *U. S. v. Livingston*, and OPJAGAF 1983/35

Dating Policy. Fraternization is often closely associated with officer-enlisted dating, a subject which has generated much controversy and emotion, making it difficult to put forward a specific policy. AFR 30-1 provides some guidance, stating that a dating relationship becomes harmful and of official concern when a senior person shows favoritism and preferential treatment towards the junior dating partner. This favoritism will eventually impair unit cohesiveness and effectiveness.

Officer-enlisted dating is always a risky proposition. Because all officers theoretically hold some authority over every enlisted person, a dating relationship may compromise this authority by eliminating the "professional distance" between superior and subordinate. Frequently mentioned problems areas include:

1. Perception of favoritism
2. Perception that enlisted person is seeking favoritism
3. Officer may cover-up deficiencies of enlisted partner
4. May splinter coworkers into factions
5. Enlisted member's performance may suffer
6. Other enlisted may perceive officer as "poaching" on their territory
7. Seniors may question officer's judgment
8. OERs may be impacted
9. Careers may be jeopardized



Even the most discreet officer-enlisted dating relationships will encounter some of these problem areas. The Air Force frowns upon officer-enlisted dating that negatively affects the unit or mission.

One type of officer-enlisted dating is always prohibited: dating within the chain of command or whenever a direct supervisory relationship exists. Officers who continue in these relationships may face criminal fraternization charges. In U. S. vs Johanns, the review court decided that officer-enlisted dating was criminally prosecutable if a command or supervisory relationship existed. Additionally, Article 134 of the UCMJ states that fraternization occurs when a commissioned officer associates on terms of "military equality" with an enlisted person. In effect, a superior who dates a direct subordinate has granted this "military equality," making it difficult to maintain a legitimate superior-subordinate relationship. As a result, officer-enlisted dating between supervisors and direct subordinates violates Air Force policy and will not be tolerated.

Officer-enlisted dating outside a supervisory relationship but within the same unit may also create problems and is contrary to Air Force policy. Criminal or administrative action will be taken against officers who continue a "same-unit" dating relationship. In one incident, a female officer received an administrative discharge for dating an enlisted person within her same duty section. The Office of The Staff Judge Advocate in reviewing the action stated that "her conduct involving an intimate relationship with an enlisted man **in the same squadron** is certainly the fraternization condemned by custom and tradition." Another officer was found not qualified for promotion after refusing to discontinue a dating relationship

with an enlisted person from the same large unit, despite repeated counseling sessions from his commander.

Officers who date enlisted members from different units or different installations enter a "gray area" of fraternization policy. It would be unlikely for these officers to face criminal prosecution unless other offenses or aggravating circumstances were present. The court in U. S. v. Johanns held that officer-enlisted dating, absent a command or supervisory relationship, is not forbidden by custom and cannot be criminally prosecuted without aggravating circumstances. However, Air Force commanders have taken administrative action against officers who dated enlisted persons from other units when they felt such conduct caused negative repercussions for their organizations. Commanders are authorized considerable discretion in this area. For instance, one Air Force officer was administratively discharged for dating an enlisted person assigned to a different squadron because his conduct "prejudiced his good standing as an officer." In another incident, as mentioned earlier in the booklet, a Lt Col selectee was "red-lined" for promotion for dating a sergeant who was stationed over a thousand miles away. The officer had been warned repeatedly by his commander to break off the relationship. Despite this, the officer continued the relationship and was subsequently removed from the promotion list. Many factors determine whether or not an "outside the unit" dating relationship is permissible. Immediate supervisors should be consulted for guidance in this area.

A final type of dating relationship involves officer-officer and enlisted-enlisted couples. Air Force policy is more tolerant in this area. If the individuals involved are either both officers or both enlisted persons from

different units with no supervisory relationship, then their dating relationship is probably of no official concern. **Same-unit** dating is more risky, since the potential for a future supervisory relationship between the individuals may exist. Additionally, others within the unit may feel uncomfortable with the relationship. Finally, as in the officer-enlisted case, dating between a supervisor and direct subordinate is improper and will not be tolerated.

**References:** AFR 30-1, TIG Brief, OTS, LPDP, Article 134-MCM, Hq USAF/JACM, *U. S. v. Johanns*, *U. S. v. Mayfield*, OPJAGAF 1983/35, OPJAGAF 1985/13, OPJAGAF 1985/19, and OPJAGAF 1987/89

**Sexual Relations.** The subject of sexual activities between service members of different ranks closely parallels dating policy. Several officers have been court-martialed or have received administrative discharges for engaging in sexual activities with subordinates. The courts have consistently held that sexual relationships between supervisors and subordinates constitute wrongful fraternization. In *U. S. v. Jefferson*, the Army Court of Military Review upheld the Article 133 conviction of a captain who engaged in sexual intercourse with a direct subordinate while in the barracks. The court felt that the officer's conduct "attacked the very fabric of the military way of life." In *U. S. v. Caldwell*, the Air Force Court of Military Review ruled that a sexual relationship with a direct subordinate provided sufficient grounds for a fraternization conviction. In addition, several officers have been administratively discharged for similar relationships. In reviewing one such discharge the AF JAG wrote: "It is hard to conceive of a relationship between superiors and their direct subordinates

that could more readily destroy good order, discipline, and morale within a unit and between the individuals concerned than an illicit sexual relationship."

What about sexual relationships outside the chain of command? Here, another gray area emerges. In the landmark case of U. S. v. Johanns, the Court of Military Appeals ruled that the services may not regulate the private, non-deviate sexual activities of their members unless aggravating circumstances are present. As indicated above, subsequent cases have determined that a supervisory relationship does constitute an aggravating circumstance that would support criminal prosecution. Yet in the absence of a supervisory relationship, commanders may still take administrative action. In 1985 a female officer was administratively discharged for maintaining a sexual relationship with an enlisted man in the same duty section. The AF JAG ruled that the discharge was proper despite the fact that no command relationship existed between the individuals.

Additionally, Air Force members should understand that openly flaunted sexual relationships are dangerous and likely to harm the careers of the individuals involved. In a concurring Johanns opinion, one justice wrote that officers who become involved in several open and obvious sexual relationships with enlisted persons face a probable Article 133 conviction (conduct unbecoming an officer).

**References:** OTS, *Staton v. Froehlke*, *U. S. v. Jefferson*, *U. S. v. Johanns*, *U. S. v. Callaway*, *U. S. v. Adames*, *U. S. v. Haye*, *U. S. v. Caldwell*, OPJAGAF 1984/12, OPJAGAF 1985/12, and OPJAGAF 1985/19

**Attending Parties.** Parties where both officers and enlisted are present are encouraged if designed to promote unit cohesiveness and morale. As stated in previous sections, officers and enlisted persons may attend officially sanctioned functions at each others' clubs as invited guests. The appropriate uniform must be worn and access by guests is limited to the room where the function is being held. As a rule, unit-sponsored officer-enlisted parties are strongly encouraged. Officers may attend these parties even when most of the participants are enlisted persons. As early as 1953, the Army Court of Military Review condoned officer-enlisted "service parties" and even found no harm in officers dancing with enlisted persons at such events.

On the other hand, certain parties are off-limits to officers. AFR 30-1 states that officers who consistently and frequently attend **other than officially sponsored** enlisted parties may cause official concern since their presence could negatively affect unit cohesiveness. Similarly, "partying" with direct subordinates may create perceptions of favoritism and hurt morale within a unit. The case of U. S. v. Adames describes, in detail, a party inappropriate for an officer to attend. Some of the party's characteristics were: 1) conducted off-post, 2) no other officers present, 3) alcoholic beverages served, 4) sexual promiscuity, 5) subordinates present. The court ruled that the officer's mere presence at this party was "contrary to the maintenance of good order and discipline." His actions lowered his esteem in the eyes of subordinates and had a direct adverse impact on the

unit. In summary, officers should not attend parties that share several of the above characteristics.

**References:** AFR 30-1, AFR 215-11, USAFA, ROTC, OTS, TIG Brief, *U. S. v. Free*, *U. S. v. Adames*, and *U. S. v. Serino*

Drinking Alcohol. Drinking alcoholic beverages with subordinates, by itself, does not constitute a fraternization violation; however, heavy drinking can be an aggravating circumstance in any fraternization incident. There is no restriction against officers and enlisted persons drinking together at base or unit sponsored functions. However, officers who drink with enlisted persons present must remember to conduct themselves in a respectable fashion. "Getting drunk" in front of enlisted persons will lower their overall perception of and respect for officers. Also, officers should avoid prolonged "drinking sessions" with their direct subordinates.

Several military courts have commented on the appropriateness of officer-enlisted drinking. In U. S. v. Livingston, the court ruled that it was a custom of the service that officers should not drink with enlisted persons when the resulting familiarity prejudiced good order and discipline. Likewise, in U. S. v. Callaway, an Army court held that free and unrestrained drinking with enlisted persons under direct supervisory control is prejudicial to good order and discipline and constitutes criminal fraternization. In another case, the court stated that drinking alcohol presents an aggravating circumstance that increases the seriousness of other

fraternization charges. In summary, officers may drink moderately with enlisted persons under appropriate conditions.

**References:** TIG Brief, USAFA, ROTC, Hq USAF/JACM, *U. S. v. Livingston*, *U. S. v. Free*, *U. S. v. Stocken*, *U. S. v. Callaway*, and *U. S. v. Adames*

Using Drugs. The Air Force never tolerates drug use among its members. Furthermore, officers who are involved in drug usage with enlisted persons may even be charged with fraternization. In *U. S. v. Rodriguez*, the AF Court of Military Review stated that an officer caught smoking marijuana with an enlisted person was properly convicted for **fraternization** under Article 134. In a different case, *U. S. v. Serino*, the same court upheld the fraternization conviction of an officer who watched his subordinate enlisted persons use marijuana at a party. Although it could not be proved the officer used the drug, the court ruled his **presence** at a party where marijuana was in use implicitly condoned the practice and thus constituted a fraternization violation. The message here: officers involved in drug use with enlisted persons may face **both** fraternization and drug charges.

**References:** *U. S. v. Rodriguez*, *U. S. v. Serino*, and OPJAGAF 1986/95

Travelling Together. When is it appropriate for officers and enlisted persons to travel together? In *U. S. vs Free*, the military court ruled that officers may ride or travel with enlisted persons anytime, as long as the primary purpose is to provide mutual transportation. There is no problem with officers and enlisted persons riding together in the same car if proper

military customs and courtesies are maintained. However, individuals should be on-notice that travelling together could be considered an aggravating factor in a fraternization prosecution. In U. S. v. Caldwell, the AF Court of Military Review found that an Air Force officer who had sexual relations with a direct subordinate enlisted person, further aggravated his crime by travelling cross-country with her.

**References:** *U. S. vs Free*, and *U. S. v. Caldwell*

Non-MWR Sports. Air Force policy does not restrict officer-enlisted contact in this area. As early as 1953, a military review court in U. S. v. Free indicated that officers and enlisted persons may properly participate together in off-base athletic activities. Air Force personnel are free to play on the same off-base sports teams or enjoy together other recreational activities, regardless of rank. However, supervisors must exercise caution in this area. An innocent round of golf or set of tennis with a direct subordinate may be perceived as favoritism by others within a unit. Individuals must be sensitive to how their actions will be interpreted by others.

**References:** OTS and *U. S. v. Free*

Casual Socializing. Casual, friendly socializing between officers and enlisted persons is encouraged. There is no reason for the two groups to completely avoid one another off the job. Informal conversations, family get togethers, or simple neighborly behavior certainly falls within the realm of acceptable conduct. But, as always, officers must be careful not to become overly familiar with their enlisted subordinates--strive to be friendly with-



out being "friends." Officers who try to be "buddies" or "one of the guys" with enlisted co-workers may find it difficult to resume a professional relationship on the job. Being overly familiar or friends with subordinates will lead to perceptions of partiality or favoritism by others in the workplace. Officers must exercise good judgment and discretion in their casual social relationships with enlisted persons.

**References:** TIG Brief, USAFA, OTS, LPDP, Hq USAF/JACM, and *U. S. v. Free*

Lending/Borrowing/Gift Giving. These activities can easily complicate relationships between individuals of different ranks. In *U. S. v. Free*, the Navy Court of Military Review held that officers and enlisted should not engage in either the lending or borrowing of money or gift giving. Air Force policy discourages these activities anytime large amounts are involved. Negative consequences are easy to imagine. Superiors may be tempted to use their rank to delay payment of their own debts or to pressure subordinates to repay borrowed funds ahead of schedule. Similarly, large gifts could create conflicts of interest or perceptions of favoritism within an organization. This policy does not prohibit small loans (e.g. to cover a meal on a TDY) or token gifts (office going away gifts). Again, individual discretion and judgment must be exercised in this area.

**References:** *U. S. v. Free* and Base-level JAG Office

Generally Permitted Behavior. Much of the Air Force policy regarding fraternization focuses on the types of relationships that are prohibited or discouraged. Alternatively, this section summarizes the social relationships

that are generally **accepted** and deemed proper by Air Force authorities. Individuals of different ranks are free to engage in the following activities:

1. Social contact contributing to unit cohesiveness and effectiveness
2. Innocent acts of comradeship or normal social intercourse
3. Official functions at officer or NCO clubs
4. Unit or base-sponsored social functions
5. Work-related parties that don't turn into heavy "drinking sessions"
6. Participation in MWR intramural sports programs
7. Athletic, religious, or recreational functions
8. Having lunch together
9. Casual socializing
10. Backyard barbeques

In addition to these associations, the court in U. S. v. Free listed several other activities that may be jointly enjoyed by individuals of different ranks:

1. Simple courtesies
2. Providing transportation
3. Eating and drinking under dignified conditions
4. Sleeping in the same room if closely related
5. Playing on the same sports teams
6. Dancing together at a "service" dance

As always, individuals must maintain mutual respect and military courtesy during these activities.

In addition to the above social contacts, some have argued that the ruling in U. S. v. Johanns allows dating and private sexual relationships

between officers and enlisted persons who have no command or supervisory relationship. As discussed in previous sections of this booklet, Air Force policy does not agree with this interpretation. Dating and sexual relationships between officers and enlisted persons are always risky and are considered inappropriate under most circumstances.

**References:** AFR 30-1, AFR 215-11, AFR 215-1, AFR 215-22, TIG Brief, OTE, ROTC, Base-level JAG Office, *U. S. v. Free*, *U. S. v. Johanns*, *U. S. v. Stocken*, and *U. S. v. Hays*

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## Marriage Policy

General Comments. Officer-enlisted marriages present a significant twist to the fraternization issue. At present, the Air Force permits such marriages. Officers are allowed to marry enlisted persons and the Air Force, in the past, has even helped create officer-enlisted marriages by occasionally commissioning one member of an enlisted married couple. Such marriages also come into being when one member of an officer-officer marriage is separated and must serve as an enlisted person to preserve retirement eligibility. Some have argued that these policies contradict an overall custom against officer-enlisted fraternization. In fact, in U. S. v. Johanns, the Court of Military Appeals claimed that the Air Force's toleration of officer-enlisted marriages confirmed that a custom against fraternization no longer existed within the service. Officer-enlisted marriages are a major concern among senior policy makers. The Air Force does not encourage officer-enlisted marriages; however, it insists that these

couples, once married, be afforded equal opportunity and not be discriminated against in any way.

**References:** Hq USAF/MPX ltr, Hq USAF/JACM, and *U. S. v. Johanns*

Housing, Club Usage, Join-Spouse Assignments, and Discharges. The Air Force has established several specific policies related to officer-enlisted married couples. In the housing arena, these couples are permitted to live on-base and receive the same waiting list priority as other Air Force families. They may choose either officer or enlisted housing areas, whichever is most advantageous to their personal situation. Installations may not restrict officer-enlisted couples from living in any area for which they are qualified.

Officer-enlisted couples are also permitted to use both officer and enlisted open mess facilities. Spouses may use each other's clubs as long as 1) they are accompanied by their spouse and 2) the non-eligible member is out of uniform. This policy is designed to eliminate confusion and embarrassment within the clubs. For example, if a captain was seen dining with his technical sergeant wife (both in uniform), many would fail to realize the couple was married and might infer that it was appropriate to invite enlisted guests to the club. During official functions, both husband and wife should wear the uniform appropriate to the occasion.

A third area that impacts officer-enlisted married couples is the join-spouse assignment process. Officer-enlisted couples are neither discriminated against nor receive preferential treatment during the assignment cycle. As with all military couples, the Air Force will attempt to base both members at the same or nearby installations when consistent with Air

Force needs and mission requirements. The needs of the Air Force must and will take top priority. One restriction applies during any join-spouse assignment: "family members will not be assigned to the same unit or function where one member will or may hold a command or supervisory position over another family member." This restriction is especially applicable to an officer-enlisted couple, since officers usually hold positions of authority within a unit. Individuals who marry other military members assigned to the same unit can expect AFSC changes, unit transfers, or PCSs to eliminate the possibility of a supervisory relationship occurring between the couple.

A fourth policy area of interest to officer-enlisted married couples involves voluntary discharges from the service. Some officer-enlisted couples may feel that their continued joint service is not in the best interest of the Air Force or their careers. The Air Force will consider applications for voluntary separation from enlisted persons who marry officers or from officers married to enlisted persons. (Although no specific category applies to this type of discharge, interested individuals should apply under the "miscellaneous" discharge category discussed in AFR 36-12/39-10). These separations will only be approved when in the best interest of the Air Force. Factors considered include length of active duty service commitment, career field shortages, invested training resources, expected return from the individual, whether or not the married couple is assigned to the same base, and command recommendations.

<b>References:</b> AFR 90-1, AFR 215-11, AFR 36-20, AFR 39-11, AFR 36-12, AFR 39-10, and Hq AFMPC/DPMARS
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**Pre-marital Fraternization Offenses.** Another fraternization topic related to "marriage policy" concerns officer-enlisted couples engaged to be married. Does an impending marriage excuse fraternization behavior that would otherwise be viewed as improper? Air Force policy implies that a marriage engagement does not excuse prior inappropriate relationships between individuals of different ranks. For example, one administrative proceeding involved a 2nd lieutenant maintenance officer who dated an airman within his same duty section. The lieutenant's commander advised him to discontinue the relationship, but the lieutenant persisted and later married the airman. For his actions, the lieutenant was found administratively not qualified for promotion. The Office of The JAG reviewing the case found the action appropriate and said the subsequent marriage was irrelevant to the initial fraternization violation. In a similar incident, an officer was administratively discharged for dating and intermittently sharing quarters with an enlisted woman from a different unit. The punishment stood despite the couple's engagement at the time of the officer's discharge. These examples clearly show that a subsequent marriage will not excuse a previous fraternization violation.

<b>References:</b> OPJAGAF 1983/35, OPJAGAF 1987/89, and Air Force Law Review
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### **Criminal/Administrative Sanctions**

Previous sections of this booklet outlined Air Force policy guidelines related to the topic of fraternization. This section discusses the criminal and

administrative sanctions available to commanders who take action against fraternization offenders. Criminal behavior is defined as a direct violation of the Uniform Code of Military Justice (UCMJ) and is prosecuted within the forum of a military court martial. Alternatively, administrative actions are associated with less serious conduct or behavior which cannot be prosecuted. Such actions are levied by individual commanders in consultation with local JAG officials.

Criterion for Criminal Prosecution. When is a fraternization offense criminally prosecutable? According to official policy, criminal prosecution is an option anytime 1) a command or supervisory relationship exists, 2) the relationship is entered into under pressure, or 3) the relationship is otherwise prejudicial to good order and discipline. Other sources and court cases have listed additional factors that might make a fraternization incident prosecutable. These factors include:

1. Signs that the chain of command was eroded or compromised
2. Relationship undermined order, discipline, authority, or morale
3. An openly flaunted relationship that embarrassed the Air Force
4. Relationship involved individuals assigned to the same unit
5. Relationship occurred within a training environment
6. Relationship detracted from the respect and regard for authority within a superior-subordinate relationship
7. Relationship initiated or used for private gain
8. Relationship gave the appearance of partiality
9. Relationship demeaned the military superior

The presence of any one of these factors would help support a criminal prosecution for fraternization. If none of these factors are present, criminal prosecution is inappropriate and commanders should consider taking administrative action against those involved in the unprofessional relationship.

The case of U. S. v. Johanns shed considerable light on the appropriateness of criminal prosecution in a fraternization case. Given the eroded fraternization custom **at the time**, the Air Force Court of Military Review stated that "criminal prosecution against an officer for engaging in mutually voluntary, private, non-deviate sexual intercourse with an enlisted member, neither under his command or supervision, is unavailable." Additionally, the court stressed that to be criminally prosecuted for fraternization an officer must have been "on-notice" about the policy through an existing regulation or clearly stated directive. The court went on to say that circumstances will establish whether a relationship was unlawful and may be prosecuted. These include: 1) the acts themselves, 2) where they occur, 3) other people's presence, 4) the military relationship between the officer and enlisted person, and 5) the likely effect on the enlisted person and others present. Each of these circumstances must be considered when determining whether a fraternization case is criminally prosecutable.

**References:** Hq USAF/MP ltr, TIG Brief, Hq USAF/JACM, *Staton v. Froehlke*, *U. S. v. Johanns*, *U. S. v. Adames*, OPJAGAF 1985/60, *Justice and the Military*, *Air Force Law Review*

Article 134, UCMJ. Fraternization offenses have traditionally been prosecuted under Article 134 (the General Article), Article 133 (Conduct



Unbecoming an Officer), and Article 92 (violation of an existing regulation). Article 134 of the UCMJ is usually most appropriate since it contains a specific section pertaining to fraternization. In its explanation of the offense, Article 134 states that the **circumstances** will determine whether a particular course of conduct amounts to a fraternization violation. Important factors include whether the relationship took place within the chain of command, any appearance of partiality, or evidence that the relationship undermined good order, discipline, authority, or morale. Borrowing wording from the U. S. v. Free case, the article explains that a reasonable person experienced in the problems of military leadership must conclude that the good order and discipline of the service has been prejudiced in order for fraternization to be prosecuted. How can one determine if the "good order and discipline" has been prejudiced? According to Article 134, this happens when an act or a relationship creates a tendency for enlisted persons to compromise their respect for the professionalism, integrity, and obligations of an officer.

Article 134 lists five elements that must be proven beyond a reasonable doubt in any fraternization prosecution. **First, the accused must be a commissioned officer.** Despite this wording, U. S. v. Carter held that NCOs may be charged with fraternizing with subordinates under certain circumstances. However, current Air Force policy insists that only officers may be prosecuted for fraternization under Article 134. Unprofessional relationships between enlisted persons should be handled administratively.

**Second, the officer must have fraternized on terms of "military equality."** Military equality refers to a situation where an officer fails to maintain a professional superior-subordinate relationship

with an enlisted person. Being unduly familiar, dating, or acting as a buddy or peer are examples of "military equality" between a superior and subordinate.

**Third, the officer must fraternize with someone he knew to be enlisted.** Although this wording implies that fraternization is solely an officer-enlisted offense, review courts have upheld fraternization convictions involving two officers. However, current Air Force policy limits criminal charges to officer-enlisted fraternization. Improper relationships between officers should generally be handled administratively.

**Fourth, the relationship must have violated the service's custom against fraternization.** This element is critical. The measuring rod in any fraternization case is the service's custom concerning fraternization. As explained in this guide, the Air Force has revitalized a custom prohibiting officer-enlisted fraternization under a wide variety of circumstances.

**Fifth, the conduct must have either "prejudiced good order and discipline" or "brought discredit upon the armed forces."** The acts must be directly prejudicial to good order and discipline. Remote or indirect prejudice is not sufficient. In U. S. vs Stocken, the court stated that this "direct and palpable prejudice" must be easily recognizable as criminal, have a direct and immediate adverse impact on discipline, and be compatible with the context of the time. U. S. v. Lovejoy and U. S. v. Adames found that good order and discipline were prejudiced anytime a relationship caused enlisted persons to compromise or lose their respect for the officers appointed over them. The second effect, "discredit to the armed forces,"

occurs anytime a relationship brings the Air Force into disrepute or lowers the service in the public's esteem.

The maximum punishment under Article 134 involves dismissal, forfeiture of all pay and allowances, and confinement for a period not to exceed two years.

**References:** Article 134-MCM, Hq USAF/DPPHE, *Air Force Law Review*, *U. S. v. Free*, *U. S. vs Stocken*, *U. S. v. Lowery*, *U. S. v. Carter*, *U. S. v. Lovejoy*, and *U. S. v. Adames*

Article 133, UCMJ. Article 133, Conduct Unbecoming an Officer and a Gentleman, is sometimes charged in fraternization cases. Article 133 fraternization offenses typically involve individuals who, in an unofficial capacity, engage in behavior which dishonors or personally disgraces their standing as an officer. The elements of the offense require that 1) the accused do or omit certain acts that 2) constitute "conduct unbecoming an officer and a gentleman." As used in the article, the term "gentleman" includes both male and female commissioned officers. A maximum punishment under Article 133 for a fraternization-type offense involves dismissal, forfeiture of all pay and allowances, and confinement for two years.

Fraternization prosecutions under this article do not imply that officer-enlisted socializing constitutes disgraceful or "ungentlemanly" behavior. In fact, prosecution under Article 133 should occur only when additional underlying circumstances are present that publicly disgrace or dishonor the officer. If these underlying offenses are missing, Article 133 is not applicable. Furthermore, to charge fraternization under Article 133, the

relationship must have had a "demonstrable impact on the discipline, authority, and morale of the unit" (U. S. v. Jefferson).

It must be noted that Article 133 can always be used to duplicate any other charge found in the Manual for Courts-Martial (MCM). Although this "double-charging" is rare, it may be appropriate if a fraternization offense is especially notorious or demeaning to the individuals involved. Article 133 was frequently used as an interim measure to prosecute fraternization cases between the 1983 Johanns ruling and the issuance of the new MCM in 1984.

**References:** Article 133-MCM and *U. S. v. Jefferson*

Article 92, UCMJ. This article is used to prosecute violations of an existing regulation or the lawful order of a superior. Although rarely used in a fraternization case, the article could apply to officers who disobeyed a command or service regulation that prohibited certain relationships with enlisted persons. Not all regulation violations can be prosecuted under Article 92. The particular regulation must be directive in nature and show sufficient definition of the conduct prohibited. According to U. S. v. Rodriguez, AFR 30-1 does not meet these requirements. Therefore, violations of this regulation may not be charged under Article 92. Alternatively, violations of some command or installation fraternization regulations may be properly charged under this article. Article 92 may also be applicable in officer-officer or enlisted-enlisted "unprofessional relationship" cases.

**References:** Article 92-MCM, Article 134-MCM, and *U. S. v. Rodriguez*

Criteria for Administrative Sanctions. Historically, the vast majority of fraternization offenses have been dealt with administratively. Criminal proceedings are rare and have been reserved for the most gross violations. In a 1970 ruling (U. S. v. Lovejoy), the Court of Military Appeals voiced reservations about treating fraternization as a crime. A concurring justice agreed, contending that most situations are best corrected through administrative actions. When should administrative action be taken against fraternization? This judgment is left to the individual commander; however, serious violations that do not qualify for criminal prosecution are ideal candidates. Even in the wake of the U. S. v. Johanns decision, commanders have available an entire array of administrative punishments to deal with fraternization offenders. Administrative action may be taken against improper associations involving officer-enlisted, officer-officer, enlisted-enlisted, same sex, or opposite sex relationships.

**References:** Hq USAF/JACM, 1985 Annual Survey of the Law, 1985/60, *U. S. v. Lovejoy*, *Air Force Law Review*, and *Justice and the Military*

Administrative Options. A commander has a wide variety of administrative options for coping with fraternization policy violators. The particular action chosen should match the seriousness of the offense and take into account any aggravating or mitigating circumstances. Available options include:

**Separation from the Service.** Officers may be administratively separated from the Air Force under "honorable," "general," or "other than honorable" conditions in accordance with AFR 36-2. Enlisted discharges are governed by AFR 39-10 and may also be either "honorable," "general," or "under other than honorable conditions." For officers,

separation is appropriate for "failure to show acceptable qualities of leadership required of an officer of that grade" or "misconduct or moral or professional dereliction." In regard to fraternization incidents, discharge should be reserved for relationships or incidents that damage the morale or discipline of the unit involved.

**Article 15 (Non-Judicial Punishment).** For an Article 15, the accused has the option of demanding a trial by court martial; therefore, fraternization offenses should meet tests for criminal prosecution. May or may not generate a UIF or Digest File. Punishments include admonishment or reprimand, arrest to quarters for 30 days, restrictions for 60 days, and forfeiture of one half of base pay per month for two months.

**Officer Digest File.** Used to identify serious misconduct.

**Removal from Promotion List.** "Red-lining" for promotion is at the commander's direction and requires SECAF approval. Accomplished whenever an officer is found "professionally not qualified" for promotion to a higher grade. Several officers have received this action following fraternization incidents.

**Control Roster.** Triggers a special OER for recording unacceptable actions or performance.

**Unfavorable Information File (UIF).** Acts as a depository for unfavorable information of all sorts. Used for failure to respond to counseling for minor problems.

**Promotion Selection Folder.** Provides records of actual misconduct, including non-judicial punishment, to a promotion board.

**Letter of Admonishment.** A warning/cautionary letter. Records serious instances of misconduct.

**Letter of Reprimand.** A rebuke. Used to record minor infractions. May or may not create a UIF.

**Removal from Position of Responsibility.** Appropriate when shortcomings in other areas might negatively impact an individual's duty performance.

**OER Comments.** Used to identify unfavorable performance, questionable judgment, or decreased potential.

The above list provides an overview of administrative options available to commanders faced with a fraternization incident. Commanders should consult local JAG advisors for more detailed guidance.

Some additional comments are relevant to the administrative treatment of fraternization offenses. First, a commander who uncovers a fraternization incident or any unprofessional relationship should first counsel the individuals involved and order them to modify or discontinue their relationship. If they comply, no action need be taken unless the organization has already suffered negative consequences from their activities. If the individuals persist in the relationship, the commander has no recourse but to take punitive or administrative action against the senior participant. It's important to recognize that administrative options do not require the same strict standard of evidence as do criminal proceedings. Generally, only a "preponderance of the evidence" is necessary to justify an administrative action. In addition, JAGs will carefully advise commanders of the range of options appropriate for dealing with a particular fraternization incident.

**References:** Hq USAF/JACM, Base-Level JAG Office, *Air Force Law Review*, OPJAGAF 1983/35, OPJAGAF 1984/12, OPJAGAF 1985/12, OPJAGAF 1985/13, OPJAGAF 1985/19, OPJAGAF 1985/60, OPJAGAF 1987/80

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## Current Issues

Renewed Emphasis. The Air Force has taken steps to reinforce its policy towards fraternization ever since the Air Force Court of Military Review released the U. S. v. Johanns decision. Some regulations and directives have been modified, but for the most part the Air Force has quietly and consistently voiced a policy that fraternization will not be tolerated under conditions that negatively impact the organization or mission. Many unit commanders have aggressively enforced the policy at the local level. Air Force leadership is content with the present policy and plans no changes for the immediate future. The Air Force desires to maintain its current policy without stirring up the controversy and hoopla that so often surrounds sensitive issues.

**References:** Hq USAF/DPPHE, Hq USAF/JACM, OTS, and ROTC

Commander Autonomy in Determining Policy. Fraternization policy, like other ethical issues, contains many gray areas. It is impossible to establish a policy that will fairly and adequately address every potential improper relationship that might arise between service members. The Air Force expects local commanders to adapt policy guidelines to fit the needs of their individual installations and units. For example, AFR 215-11 requires base commanders to insure that professional relationships are maintained within open mess facilities, but allows them to determine how to best implement and enforce the policy. Similarly, the Air Force does not



issue directives that govern relationships between officers and enlisted persons on intramural sports teams. Individual commanders are permitted to formally or informally establish these guidelines. Within some units, commanders may even be comfortable in leaving social relationships up to the discretion of their people and need only step in if dangerous trends emerge. In short, the Air Force counts on its commanders to creatively apply their leadership to solve fraternization problems.

Commanders may also exercise considerable autonomy in determining which administrative actions are most effective against individuals who wrongfully fraternize with subordinates. In exercising their authority, commanders should ensure that individuals within their units are "on-notice" about what is considered an inappropriate relationship. Although commanders possess considerable leeway in this area, their policies must fall within the broad range of Air Force fraternization guidelines. The following incident illustrates this concept. In 1985, a certain squadron commander counselled an officer against dating a female airman in the same unit. He put the junior officer "on-notice" that his behavior was unacceptable. Despite these warnings, the young officer chose to continue the relationship. The commander initiated administrative discharge proceedings and successfully separated the officer from the Air Force. The commander's actions were appropriate since he put the officer "on-notice" and enforced a policy compatible with Air Force guidelines.

<b>References:</b> AFR 215-11, Hq AFMPC/DPMYCF, Hq AFMPC/SOR, ACSC, Base-Level JAG Office, and OPJAGAF 1985/13
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Keeping Policy "Gray v. Specific". Should the Air Force's fraternization policy be more specific and provide additional detailed guidance or should the policy be very general, allowing considerable latitude for individual commanders and units? This question lies at the heart of the fraternization policy debate. The Air Force, military courts, and researchers have frequently been at odds over this issue.

Many have argued that the best option is a broad, generalized fraternization policy that allows commanders to deal with problem relationships on a case-by-case basis. They argue it would be too difficult and controversial to develop specific policies that cover every circumstance. A 1953 court opinion in U. S. v. Free seemed to agree with this position. The military review court argued it would be impossible to lay down a "measuring rod" to determine when fraternization occurred. According to the court, every case must be judged on the particular time, place, and circumstances involved. A specific "measuring rod" policy might encourage individuals to find loopholes that violate the intent of fraternization guidelines. At present, the Air Force favors a "general" fraternization policy approach. "Gray" areas, not black and white specifics, best characterize the overall policy.

At the opposite end of the spectrum, others contend that the present fraternization policy is too vague and should provide more specific policy guidelines. In the 1971 case of U. S. v. Pitasi, the U. S. Court of Military Appeals urged the services to provide more specific guidance on fraternization offenses so that officers might "test what conduct is or is not violative of the custom." The court further recommended that the services undertake the difficult task of drafting a fraternization regulation. Fourteen years later, in its 1985 review of U. S. v. Johanns, the same court complained that

the Air Force had ignored its recommendations in Pitasi. This neglect, in the court's view, made it difficult to establish the existence of a custom against fraternization in the Air Force. It once again urged the Air Force to provide more specific guidance, arguing that "clear directives as to the permissible contacts between officers and enlisted persons will obviate the issues present in this case." After this ruling, the Air Force took steps to reinforce its fraternization policy. In the service's view, the present policy provides clear and enforceable standards for appropriate relationships between officers and enlisted persons.

**References:** Hq AFMPC/DPMYCF, Hq AFMPC/DPMSBC, Hq AFMPC/DPMARS, Hq USAF/JACM, OTS, *U. S. v. Free*, *U. S. v. Pitasi*, and *U. S. v. Johanns*

Sensitivity/Controversiality of Policy. Fraternization between officers and enlisted persons is a sensitive topic which has generated much debate and controversy. A frequently mentioned source of controversy involves alleged contradictions in fraternization policy. In U. S. v. Johanns, the Air Force Court of Military Review contended that a policy which condoned officer-enlisted marriages was inconsistent with a custom against officer-enlisted fraternization. Others have pointed to similar practices which appear to contradict the fraternization custom. The Air Force, where practical, has removed these contradictions and is satisfied that the current fraternization policy is both consistent and effective.

Overall, controversy surrounding the fraternization issue seems to be on the decline. Much of the current debate springs from incomplete or outdated knowledge of the policy. As awareness improves and individuals

become more knowledgeable about the topic, much of the controversy will subside. It's imperative that all Air Force members have a good working knowledge of fraternization policy. Incomplete or inaccurate knowledge may lead to incidents that could jeopardize a career. Through strong commander involvement, solid educational programs, and widespread dissemination of this policy booklet, Air Force members will better understand the limits of social relationships among individuals of different ranks.

**References:** Hq AFMPC/DPMSBC, Hq AFMPC/DPMARS, Hq USAF/DPPHE, AWC, ACSC, and *U. S. v. Johanns*.

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U. S. v. Caldwell. Volume 23, West's Military Justice Reporter, p. 748-751 (Air Force Court of Military Review, 1987).

U. S. v. Callaway. Volume 21, West's Military Justice Reporter, p. 770-780 (Army Court of Military Review, 1986).

U. S. v. Carter. Volume 23, West's Military Justice Reporter, p. 683-686 (Navy Court of Military Review, 1986).

U. S. v. Free. Volume 14, Court Martial Reports, p. 466 (Navy Board of Review, 1953).

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U. S. v. Johanns. Volume 17, West's Military Justice Reporter, p. 862-885 (Air Force Court of Military Review, 1983).

U. S. v. Johanns. Volume 20, West's Military Justice Reporter, p. 155-165 (United States Court of Military Appeals, 1985).

U. S. v. Livingston. Volume 8, Court Martial Reports, p. 206-211 (Army Board of Review, 1952).

U. S. v. Lovejoy. Volume 41, Court Martial Reports, p. 777-785 (Navy Court of Military Review, 1969).

U. S. v. Lovejoy. Volume 42, Court Martial Reports, p. 210-213 ( United States Court of Military Appeals, 1970).

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Fraternization policy information was gathered from course texts, lesson plans, and conversations with curriculum directors from the following programs:

ACSC - Air Command and Staff College

AWC - Air War College

BMTS - Basic Military Training School

LPDP - Lieutenants' Professional Development Program

OTS - Officer Training School

ROTC - Reserve Officer Training Course

SNCOA - Senior Non Commissioned Officers Academy

SOS - Squadron Officer School

USAFA - United States Air Force Academy

### Air Force Staff Organizations

Hq AFMPC/DPMARS (Separations Policy Branch, OPR for AFR 36-12/39-10)

Hq AFMPC/DPMRPP (Assignment Policy Branch, OPR for AFR 36-20/39-11)

**Hq AFMPC/DPMSBC (Air Force Open Mess Branch, OPR for AFR 215-11)**

**Hq AFMPC/DPMYCF (OPR for AFR 30-1)**

**Hq AFMPC/MPCSOR (Air Force Sports and Fitness Program)**

**Hq USAF/DPPHE (Human Relations Education Branch, Air Force Human Resources Development Division)**

**Hq USAF/JACM (Personnel Actions Branch, General Law Division)**

## **Appendix B: Data Sources For Policy Matrix**

### **Regulations and Related Interviews**

AFR 30-1	AFR 30-1 OPR interview
AFR 90-1	Base housing off. interview
AFR 215-11	NCO club mgr. interview
AFR 215-22	Officer club mgr. interview
AFR 39-11	MPC, Open Mess Branch, interview
AFR 36-12	AFR 36-12 OPR interview
AFR 39-10	AFR 39-10 OPR interview
AFR 36-20	AFR 36-20/39-11 OPR interview
AFR 215-1	MPC Sports & Fitness interview

### **Directives/Policy Letters**

Hq USAF/MP letter	TIG Brief Article
Hq USAF/MPX letter	Hq USAF/DPPHE interview
Hq USAF/DPXHL issue paper	

### **Court Cases**

U. S. v. Livingston	U. S. v. Free
U. S. v. Lovejoy	U. S. v. Pitasi
Staton v. Froehlke	U. S. v. Hoard
U. S. v. Jefferson	U. S. v. Rodriquez
U. S. v. Johanns I	U. S. v. Stocken
U. S. v. Johanns II	U. S. v. Callaway
U. S. v. Lowery	U. S. v. Mayfield
U. S. v. Adames	U. S. v. Carter
U. S. v. Haye	U. S. v. Caldwell
U. S. v. Serino	

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OPJAGAF 1987/89

OPJAGAF 1984/12  
OPJAGAF 1985/13  
OPJAGAF 1985/60  
OPJAGAF 1986/112

### Other Official Legal Sources

Article 133, UCMJ & commentaries  
1985 JAG Conference minutes  
Moyer's Justice & the Military  
Hq USAF/JACM interview

Article 134, UCMJ & Commentaries  
Winthrop's Military Law & Precedent  
Base JAG interview

### Air Force Training Programs

USAFA publications  
OTS publications  
ROTC publications  
BMTS publications  
Air War College publications  
ACSC-corr. readings  
LPDP publications  
SNCOA interview  
SOS-corr. interview

USAFA interview  
OTS interview  
ROTC interview  
BMTS interview  
Air War College interview  
ACSC-corr. interview  
ACSC-res. interview  
HRET interview  
SOS-res. interview

## **Appendix C: Topical Sub-Areas for Policy Matrix**

### **The Fraternization Tradition**

Purpose of Policy  
Fraternization as a Class Issue  
Affect on First Amendment Rights  
The Fraternization Custom

### **Professional Relationships**

Desired Relationships Between Grades  
Addressing Superiors/Subordinates

### **Defining Fraternization**

Overall Philosophy  
General Test for Fraternization  
Types of Relationships

### **Situational Factors**

Supervisory Relationship Present?  
Individuals Assigned to Same Unit?  
On-duty, On-Base v. Off-Duty, Off-Base  
Fraternization in a Training Environment

### **Air Force Institutional Practices**

On-Base Officer/Enlisted Separation  
On-Base Housing Policy  
Open Mess Policy  
Other MWR Activities

## **Specific Policy Guidelines**

Sharing Quarters  
Dating Policy  
Sexual Relations  
Attending Parties  
Drinking Alcohol  
Using Drugs  
Travelling Together  
Non-MWR Sports  
Casual Socializing  
Lending/Borrowing/Gift Giving  
Generally Permitted Behavior

## **Marriage Policy**

General Comments  
Housing, Club Usage, Join-Spouse Assignments, and Discharges  
Pre-marital Fraternization Offenses

## **Criminal/Administrative Sanctions**

Criterion for Criminal Prosecution  
Article 134, UCMJ  
Article 133, UCMJ  
Article 92, UCMJ  
Criteria for Administrative Sanctions  
Administrative Options

## **Current Issues**

Renewed Emphasis  
Commander Autonomy in Determining Policy  
Keeping Policy "Gray v. Specific"  
Sensitivity/Controversiality of Policy

## **Appendix D: Policy Booklet Reviewer Comments**

This appendix provides representative samples of feedback received from the individuals who agreed to validate the fraternization policy booklet. Only comments of a general nature are included.

**Lt Col Kenneth Wildung**  
**Commander, 75th Military Airlift Squadron, Travis AFB CA (138)**

"Super effort. I really enjoyed reading your draft. I wish I had it as a commander. I can't remember ever discussing fraternization at Commander's Call--probably something that should happen to increase awareness. My perception is that awareness is low among the troops and CCs tend to ignore all but the blatantly obvious incidents."

"I agree that fraternization is very difficult to measure. I feel we (CCs) need to have better guidance as to what could constitute fraternization, yet, be given the authority to judge the specifics of the incident and make the final decision."

"A consolidated policy document is necessary and non-existent as I'm sure you know. Thanks for your contribution. Good luck on publishing your work. Good job! We need it in the field!"

**Maj David Barton**  
**Chief, Military Affairs, Hq ATC JAG Office, Randolph AFB TX (13)**

"This is a good effort and should prove useful. Your time was well spent!"

**Everett G. Hopson**  
**Chief, General Law Division, Hq USAF JAG Office,**  
**Washington DC (51)**

"We have reviewed your booklet and generally find it accurate and well written. We do note that fraternization is not precisely defined in the first sentence of the 'Purpose of Policy' paragraph. Fraternization relates solely to improper relationships between commissioned officers and enlisted members . . . There are also some areas, such as in officer and enlisted dating, that we believe official policy is not as "gray" as you describe, however, the booklet is a good academic review of the subject."

"Overall, we believe the booklet is somewhat too detailed to serve as a guide to commanders. However we recommend you forward a final version to AF/DPPH . . . for their review. They are the Air Staff policy office for fraternization and professional relationship issues, and would be in the best position to determine the appropriate official use of the booklet."

**Maj Charles Andre**  
**Chief, Human Relations Education, AF Human Resources**  
**Development Division, Hq USAF, Washington DC (7)**

--Your fraternization policy booklet is an accurate reflection of current Air Force policy. It is technically accurate and does an outstanding job of pulling together the different components of the overall policy. It is the best definitive statement of the fraternization issue that I've seen.

--We are working now with Hq USAF/JAC to determine the best use of your policy booklet. We see its greatest potential at accession points like the commissioning schools and BMTS. The booklet would also prove helpful at the Company Grade Officer school now in development. In a reduced format, your booklet would make an excellent guide for commanders.



**Lt Col William C. Jones**  
**Director of Military Justice, Hq MAC JAG Office, Scott AFB IL (60)**

"You certainly embarked on an ambitious project . . . "

Regarding case of U. S. v. Caldwell--"court said 'senior-subordinate.' They were not addressing the question of supervisory relationship which certainly was present since Caldwell was OIC. Nonetheless, the court may have meant nothing more than disparity of rank."

**Col James L. Weaver**  
**Vice-Commandant, Air Force Institute of Technology**  
**Wright-Patterson AFB OH (135)**

--Analyzing fraternization may be "like trying to take a picture of a moving train." The policy is continually evolving and changing.

--Thoroughly impressed with your research and the policy booklet. It consolidates and integrates many of the detailed subtleties of the issue. With few exceptions, the book agreed with my perceptions of the issue. I learned a lot that I didn't know before. This would have been a big help to me as the OTS wing commander.

--Would make an excellent "textbook" for use by commanders and other individuals in the AU environment. Absolutely outstanding research effort!

--In your final version, try to insure that use of the term "fraternization" is consistent with the new definition provided by the Air Staff.

**Col Thomas J. Springob**  
**Staff Judge Advocate, Hq Air University, Maxwell AFB AL (100)**

"Your thesis is an excellent description of Air Force policy and the current status of the law in this important area. I am certain it will be of value to the Air Force and wish you the best in getting it published."

**Capt Holly M. Stone**

**Director, Civil Law, Hq Air University JAG Office, Maxwell AFB  
AL (104)**

"I've taken a look at your thesis. I found it a marvelous guide and am very impressed by the quality of your thesis and the depth of your research. It looks as if you read every case, every opinion, and every possible word written on the subject. A really outstanding job."

"As any true lawyer would do, I've included some 'fudge' words like 'probably,' 'usually,' and 'may.' . . . I've noted in several places 'terms of art' used in the legal field that make it clearer, at least to an attorney, as to what you're discussing."

"Your thesis is truly impressive. I commend you on a job well done."

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<p>Title: FRATERNIZATION IN THE UNITED STATES AIR FORCE: DEVELOPMENT OF A POLICY BOOKLET</p> <p>Thesis Chairman: Carl L. Davis, Captain, USAF Assistant Professor of Research Methods</p> <p>Approved for public release IAW AFR 190-1.</p> <p>WILLIAM A. <i>[Signature]</i> 17 Oct 88 Associate Dean School of Systems and Logistics Air Force Institute of Technology (AU) Wright-Patterson AFB OH 45433</p>					
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The purpose of this study was to analyze and elucidate the Air Force's policy towards fraternization, an inappropriate social relationship between service members of different grades. The research effort had two major objectives: (1) Determine the Air Force policy towards fraternization through an examination of regulations, policy documents, legal sources, and training materials; (2) Produce a "fraternization policy booklet" that could be used by commanders, JAGs, and other Air Force members to better understand the rules and issues which govern off-duty social relationships.

The study found that there is a definable Air Force policy against certain forms of fraternization based on regulation, court opinion, and other official policy sources. Many specific behaviors and associations are prohibited, especially intimate relationships between officers and enlisted persons assigned to the same unit, and between supervisors and their direct subordinates. Although the research discovered some contradictions, most sources provided a similar, yet incomplete view of the overall issue.

As an end product of the research, the study produced a stand-alone "fraternization policy booklet." This fifty page guide integrated material from over 100 different sources, including interviews with various policy experts. Organized topically, the "booklet" covers several subjects, including: the fraternization custom, professional relationships, situational factors, Air Force institutional practices, marriage policy, criminal/administrative sanctions, and current issues.

Several commanders and JAGs reviewed the booklet and endorsed its use as a training aid for Air Force members. Based upon "expert" validation of the booklet, the author recommends its use at squadron commander and JAG conferences and at various Air Force schools where fraternization is discussed.